

Brian O. O'Mara (Bar No. 229737)
Steven M. Jodlowski (Bar No. 239074)
DICELLO LEVITT LLP
4747 Executive Drive, Suite 240
San Diego, California 92121
Telephone: (619) 923-3939
briano@dicellolevitt.com
stevej@dicellolevitt.com

Counsel for Plaintiff
The White Mountain Apache Tribe

[Additional Counsel Appear on Signature Page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THE WHITE MOUNTAIN APACHE TRIBE,)

Case No.

Plaintiff.)

**COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF**

vs.)

META PLATFORMS, INC. F/K/A)
FACEBOOK, INC.; FACEBOOK)
PAYMENTS INC.; SICULUS, INC.;)
FACEBOOK OPERATIONS, LLC;)
INSTAGRAM, LLC; SNAP, INC.; TIKTOK)
INC. F/K/A MUSICAL.LY, INC.;)
BYTEDANCE INC.; BYTEDANCE LTD.;)
TIKTOK LTD.; TIKTOK LLC; TIKTOK U.S.)
DATA SECURITY INC.; GOOGLE LLC;)
YOUTUBE, LLC; and ALPHABET INC.,)

JURY DEMAND

Defendants.)

x

1 ***“Social media is indiscriminately ruthless and knows no boundaries, even in***
2 ***remote places such as Indian Country.”***

3 *Promote Hope for the Future: Addressing Suicide in*
4 *Indigenous Youth*, Native News (Sept. 15, 2023)

4 **I. INTRODUCTION**

5 1. Native American tribes have persisted and thrived despite centuries of systemic
6 oppression and violence by an alien dominant culture that seeks to assimilate and destroy their
7 institutions, families, and youth.

8 2. For centuries, members of tribes were subjected to land dispossession, forced
9 displacement, and brutal massacres. The destruction of their homes and way of life, coupled with
10 exposure to new diseases brought by European settlers, decimated populations and disrupted the
11 social fabric of hundreds of years of American Indian culture.¹

12 3. The most insidious and brutal cruelties inflicted on Indigenous communities were
13 against their children, who were forcibly removed from their families and placed in boarding
14 schools to assimilate them into Euro-American culture.² These institutions often subjected children
15 to physical, emotional, and sexual abuse, while viciously punishing them for speaking their
16 languages or practicing their traditions.³ The impact of these historical exposures is long-lasting
17 and intergenerational. The result of the traumas inflicted on generations of Native children is the
18
19
20

21

22 ¹ See Genevieve Kaplan, *A Legacy of Negligence: The Historical Mistreatment of*
23 *Indigenous Peoples in the United States*, Berkeley Pub. Pol. J. (Apr. 20, 2022),
[https://bppj.studentorg.berkeley.edu/2022/04/20/a-legacy-of-negligence-the-historical-](https://bppj.studentorg.berkeley.edu/2022/04/20/a-legacy-of-negligence-the-historical-mistreatment-of-indigenous-peoples-in-the-united-states/)
[mistreatment-of-indigenous-peoples-in-the-united-states/](https://bppj.studentorg.berkeley.edu/2022/04/20/a-legacy-of-negligence-the-historical-mistreatment-of-indigenous-peoples-in-the-united-states/).

24 ² Erin Blakemore, *A century of trauma at U.S. boarding schools for Native American*
25 *children*, Nat'l Geographic (July 9, 2021), [https://www.nationalgeographic.com/history/article/a-](https://www.nationalgeographic.com/history/article/a-century-of-trauma-at-boarding-schools-for-native-american-children-in-the-united-states)
[century-of-trauma-at-boarding-schools-for-native-american-children-in-the-united-states](https://www.nationalgeographic.com/history/article/a-century-of-trauma-at-boarding-schools-for-native-american-children-in-the-united-states).

26 ³ Dr. Denise K. Lajimodiere, *Legacy of Trauma: The Impact of American Indianan Boarding*
27 *Schools Across Generations*, PBS (Dec. 20, 2023), [https://www.pbs.org/native-](https://www.pbs.org/native-america/blog/legacy-of-trauma-the-impact-of-american-indian-boarding-schools-across-generations)
28 [america/blog/legacy-of-trauma-the-impact-of-american-indian-boarding-schools-across-](https://www.pbs.org/native-america/blog/legacy-of-trauma-the-impact-of-american-indian-boarding-schools-across-generations)
[generations](https://www.pbs.org/native-america/blog/legacy-of-trauma-the-impact-of-american-indian-boarding-schools-across-generations).

1 persistent poverty, substance abuse disorders, and socioeconomic disparity endemic to modern
2 Native communities.⁴

3 4. Now, yet another crisis is causing significant injury to tribal youth.⁵ Youth suicide
4 rates of Indigenous peoples far exceed the national average.⁶

5 5. Youth suicide has profound and multifaceted impacts on tribal populations,
6 affecting individuals, families, and entire communities. In closely connected tribal communities,
7 the loss of a single young person can deeply affect the entire population, causing grief and long-
8 term trauma.

9 6. Beyond the emotional toll, youth suicide poses a significant challenge to the long-
10 term vitality of tribal communities. Young people play a crucial role in preserving cultural
11 knowledge and traditions, and their loss disrupts the transmission of practices that are central to
12 tribal identity. Furthermore, the premature death of these individuals diminishes the workforce and
13 undermines the development of future leaders, creating lasting impacts on the stability and growth
14 of tribal nations.

15 7. Social media products have been a significant contributor to the current mental
16 health crisis facing young Indigenous peoples worldwide.⁷ Defendants, who are all so-called
17

18 ⁴ Matthew Brown, *Survivors say trauma from abusive Native American boarding schools*
19 *stretches across generations*, Associated Press (Nov. 5, 2023), <https://apnews.com/article/native-american-boarding-schools-victims-3f927e5054b6790cef1c6012d8616ad6>; Zach Levitt *et al.*,
20 *'War Against the Children'*, N.Y. Times (Aug. 30, 2023), <https://www.nytimes.com/interactive/2023/08/30/us/native-american-boarding-schools.html>.

21 ⁵ See, e.g., Tristian Kanne, *97% of Indigenous people report seeing negative social media*
22 *content weekly*, The Conversation (June 11, 2021), <https://theconversation.com/97-of-indigenous-people-report-seeing-negative-social-media-content-weekly-heres-how-platforms-can-help-162353> (“Indigenous communities are facing a crisis in mental health, with harmful content on
23 social media a major contributor to increased Indigenous suicide rates”).

24 ⁶ Deborah Stone, Sc.D., *et al.*, *Suicides Among American Indian or Alaska Native Persons—*
25 *National Violent Death Reporting System, United States, 2015-2020*, Ctrs. for Disease Control,
26 U.S. Dep’t of Health and Hum. Svs., <https://www.cdc.gov/mmwr/volumes/71/wr/mm7137a1.htm>.

27 ⁷ See, e.g., Tristian Kanne, *97% of Indigenous people report seeing negative social media*
28 *content weekly*, The Conversation (June 11, 2021), <https://theconversation.com/97-of-indigenous-people-report-seeing-negative-social-media-content-weekly-heres-how-platforms-can-help-162353>.

“social-media companies,” recognize that Native Americans are already vulnerable populations—especially teens and adolescents, and have designed products to exploit and profit from those vulnerabilities.

8. The effects of social media addiction have been felt significantly among the youth of the White Mountain Apache Tribe (referred to as “White Mountain Apache”, “Plaintiff” or “the Tribe”), whose chronically underfunded health and welfare programs have been pushed to their breaking points by this new crisis.

9. The Tribe brings this lawsuit after numerous shocking revelations by whistleblowers within the social media industry: that social media companies designed their products to be addictive, and that the products have contributed to a growing mental health crisis among children and adolescents.⁸

10. For several years—and, in the instances of some of the Defendants, over decades—Defendants have pursued an aggressive growth strategy that put profits above all else—prioritizing and maximizing user engagement in order to sell targeted advertisements at the expense of keeping children safe.⁹

11. Defendants designed their products to be addictive—preying on the developing brains of children. Defendants also knew that their products caused mental health problems in children and girls in particular.¹⁰

¹⁶²³⁵³ (“Indigenous communities are facing a crisis in mental health, with harmful content on social media a major contributor to increased Indigenous suicide rates”).

⁸ See, e.g., Daniel E. Slotnik, *Facebook Whistle-Blower Testimony*, N.Y. Times (Oct. 5, 2021), <https://www.nytimes.com/live/2021/10/05/technology/facebook-whistleblower-frances-haugen>.

⁹ Ryan Tarinelli, *Social media companies put profits over children, senators say*, Roll Call (Feb. 14, 2023), <https://rollcall.com/2023/02/14/sjc-hearing/>.

¹⁰ See Bobby Allyn, *Here are 4 key points from the Facebook whistleblower’s testimony on Capitol Hill*, NPR (Oct. 5, 2021), <https://www.npr.org/2021/10/05/1043377310/facebook-whistleblower-frances-haugen-congress>; Donna St. George, *TikTok is addictive for many girls, especially those with depression*, Washington Post (Mar. 30, 2023), <https://www.washingtonpost.com/education/2023/03/30/social-media-girls-teens-depression-tiktok/>; Lesley McClurg, *After compulsively watching YouTube, teenage girl lands in rehab for*

12. Each of the Defendants knowingly developed social media products that were addictive¹¹ so that they could maximize profits through advertising dollars by increasing user “engagement.”¹²

13. Defendants have systematically received complaints about children and teenagers becoming addicted to, and suffering from numerous mental health issues because of, their products; however, they have undertaken minimal—if any—action that would address the problems that their Social Media Products have caused.

14. It is widely recognized that social media use negatively impacts youth mental health, a fact supported by extensive scientific research.¹³ Unfortunately, this understanding comes too late for the White Mountain Apache Tribe, which has already diverted significant limited resources both to the immediate and long-term consequences of suicide and the teen mental health crisis.

15. Because Defendants designed products for the purpose of being addictive, placing profits above the welfare of children and adolescents, the White Mountain Apache should be

‘digital addiction’, PBS Washington (May 16, 2017), <https://www.pbs.org/newshour/health/compulsively-watching-youtube-teenage-girl-lands-rehab-digital-addiction>; Zara Abrams, *Why young brains are especially vulnerable to social media*, American Psych. Assoc. (Aug. 3, 2023), <https://www.apa.org/news/apa/2022/social-media-children-teens>.

¹¹ Catherine Price, *Trapped—the secret ways social media is built to be addictive (and what you can do to fight back)*, Sci. Focus (Oct. 29, 2018), <https://www.sciencefocus.com/future-technology/trapped-the-secret-ways-social-media-is-built-to-be-addictive-and-what-you-can-do-to-fight-back>.

¹² Hannah Metzler, *et al.*, *Social Drivers and Algorithmic Mechanisms on Digital Media*, Perspectives on Psych. Sci. (July 19, 2023), <https://journals.sagepub.com/doi/epub/10.1177/17456916231185057>.

¹³ *Surgeon General Issues New Advisory About Effects Social Media Has on Youth Mental Health*, U.S. Dep’t. of Health and Hum. Svs. (May 23, 2023), <https://www.hhs.gov/about/news/2023/05/23/surgeon-general-issues-new-advisory-about-effects-social-media-use-has-youth-mental-health.html>; Sujata Gupta, *Social media harms teens’ mental health, mounting evidence shows. What now?*, ScienceNews (Feb. 20, 2024), <https://www.sciencenews.org/article/social-media-teens-mental-health>.

1 compensated for their losses—proportionate to the significant resources needed to mitigate and
2 address the growing crisis and the continuous danger posed by the Defendants’ products.

3 **II. JURISDICTION AND VENUE**

4 16. This Court has general personal jurisdiction over Defendants because they are
5 incorporated or have their principal places of business in California, or they have contacts with
6 California that are so continuous and systematic that they are essentially at home in this State.
7 Meta, Google, and ByteDance—as they are described below—maintain their principal places of
8 business in this District. Snap and TikTok maintain their headquarters in this State. All Defendants
9 regularly conduct and solicit business in California, provide their platforms to persons and tribal
10 members from this State, and derive substantial revenue from their business as described herein.
11 All Defendants affirmatively and extensively engage with a significant percentage of White
12 Mountain Apache Tribe individuals who live in this State through messages, notifications,
13 recommendations, and other communications.

14 17. This Court has subject matter jurisdiction over the claims in this Complaint
15 pursuant to 28 U.S.C. §1331 because this case arises, in part, under federal laws of the United
16 States. Specifically, Plaintiff asserts a claim under the Racketeer Influenced and Corrupt
17 Organizations Act, 18 U.S.C. §§1961, *et seq.* This Court has supplemental jurisdiction over
18 Plaintiff’s common law claims pursuant to 28 U.S.C. §1367(a), as all claims alleged herein form
19 part of the same case or controversy.

20 18. Venue is proper in this District because at least some of the Defendants reside in
21 this District, their principal places of business are in this District, or a substantial part of the events
22 or omissions giving rise to the claims at issue in this Complaint arose in this District.

23 **III. PARTIES**

24 **A. Plaintiff**

25 19. The **White Mountain Apache Tribe** is located in the east central region of Arizona,
26 194 miles northeast of Phoenix. Located within Apache, Gila and Navajo Counties, the White
27 Mountain Apache Tribe occupies the 1.67-million-acre Fort Apache Indian Reservation (the
28 “Reservation”), which includes a portion of the Tribe’s ancestral homelands. The White Mountain

1 Apache Tribe exercises powers of self-governance and jurisdiction over all persons, subjects,
 2 property and all activities occurring within the boundaries of the Reservation or on other lands
 3 within its territory.¹⁴ The Preamble of the Constitution of the White Mountain Apache Tribe
 4 provides:

5 We, the people of the White Mountain Apache Tribe of the Fort Apache
 6 Indian Reservation, Arizona, in order to form a more representative
 7 organization, to exercise the duties and responsibilities of a representative
 8 tribal government, to conserve and develop our tribal lands and resources
 9 for ourselves and our children, to provide a higher standard of living, better
 10 home life and better homes within the reservation, to extend to our people
 11 the right to form business and other organizations, do adopt this constitution
 12 as a guide to our self-government.¹⁵

13 20. The White Mountain Apache Tribe is a federally recognized Tribe¹⁶ that maintains
 14 a government-to-government relationship with the United States¹⁷ and whose governing body is
 15 recognized by the Secretary of the Interior.

16 21. The White Mountain Apache Tribe is governed by its own Constitution, laws, and
 17 governmental institutions, including a duly elected Tribal Council. The Tribal Council is
 18 responsible for setting policy and making decisions on behalf of the Tribe and its members, and
 19 overseeing the operation of the Tribe's government, which provides essential programs and
 20 services to its members and other Reservation residents, with the goal and vision of providing a
 21 "higher standard of living, better home life, and better homes within the Reservation." Among

22 ¹⁴ Constitution of the White Mountain Apache Tribe of the Fort Apache Indian Reservation,
 23 Arizona, <https://naair.arizona.edu/sites/default/files/2023-10/The%20Constitution%20of%20the%20White%20Mountain%20Apache%20Tribe%20%28Adopted%201993%29.pdf> (last visited Oct. 29, 2024).

24 ¹⁵ *Id.*

25 ¹⁶ See Indian Entities Recognized by and Eligible to Receive Services from the United States
 26 Bureau of Indian Affairs, 86 Fed. Reg. 7554, 7557 (Jan. 29, 2021),
 27 <https://www.federalregister.gov/documents/2022/01/28/2022-01789/indian-entities-recognized-by-and-eligible-to-receive-services-from-the-united-states-bureau-of>. There are a total of 347
 28 federally recognized Indian Tribes within the contiguous 48 states and 227 federally recognized Tribal entities within the state of Alaska that comprise the 574 federally recognized Indian Tribes of the United States. The term "Indian" is not included throughout the remainder of this Complaint.

¹⁷ For purposes of this Complaint, "United States" and/or "U.S." includes all federally recognized tribal reservations.

these departments, the Tribe's Division of Health Programs operates the Health Education Program, Rainbow Residential Treatment Center, Apache Diabetes Wellness Center Program, Client Business Office Non-Emergency Medical Transport Program, Community Health Representative, Animal Control Office, N'dee Fitness Center, Public Health Emergency Preparedness, and the Teen Pregnancy Prevention Program.¹⁸

22. The White Mountain Apache Tribe consists of approximately 17,500 currently enrolled members.¹⁹ More than 50% of the White Mountain Apache's tribal members are younger than 25 years, with 35.1% of the members under 18 years.²⁰

23. The White Mountain Apache Tribe provides its members with a wide range of services and programs, including programs that specifically support the health and development of children and youth. According to the 2024 White Mountain Apache Family Resource Guide, members have access to six Behavioral Health Programs, including, *inter alia*, the Johns Hopkins Celebrating Life Task Force and White Mountain Apache Behavioral Health Services, the region's Tribal behavioral health authority.²¹

24. In 2001, the Apache community suffered a devastating loss—11 tribal youth died of suicide in a six-month period. With collaboration and feedback from the surviving families, the White Mountain Apache Tribal Council vowed to do everything within its power to prevent such a crisis from happening again.

¹⁸ White Mountain Apache Healthy Nations Program, Dec. 1993 – Dec. 2000, *available at* https://iseralaska.org/static/legacy_publication_links/healthynatns/whitemtnapache.pdf.

¹⁹ WMAT Tribal Courts Staffing (Sept. 21, 2022), <https://bja.ojp.gov/funding/awards/15pbja-22-gg-02008-trib>.

²⁰ White Mountain Apache Tribe, Apache Youth, <https://www.apacheyouth.com/about-the-wmat> (last accessed Oct. 13, 2024). Population breakdown of White Mountain Apache members residing on the Reservation: Under 5 years, 7.6%; Under 18 years, 35.1%; 18-24 years, 9.2%. *Compare* to Arizona and United States population breakdown (Arizona: Under 5 years, 5.6%; Under 18 years, 22.2%; 18-24 years, 9.8%; United States: Under 5 years, 5.7%; Under 18 years, 22.1%; 18-24 years, 9.4%).

²¹ 2024 Family Resource Guide of the White Mountain Apache Tribe, First Things First, https://naair.arizona.edu/sites/default/files/2024-08/Community%20Resource%20Guide_2024.pdf (last accessed Oct. 13, 2024).

25. The White Mountain Apache Tribal Council, with technical support from Johns Hopkins, developed the first tribally mandated suicide surveillance and follow-up system in the United States. The White Mountain Apache Suicide Surveillance and Prevention System now known as the “Celebrating Life Prevention Team,” includes a community-based surveillance system and utilizes prevention strategies to address suicide among the Tribe’s youth population.²² Under the initial Tribal Council mandate, all medical, school, social service personnel, and first responders working in the Tribe’s jurisdiction were required to report any observed or documented suicidal ideation, attempts, and deaths to the Celebrating Life Prevention Team staff. In response to the growing mental health crisis, the Tribal Council later strengthened their mandate, requiring all individuals residing or working within the Tribe’s jurisdiction to report any observed or documented suicidal ideation, attempts, and deaths to the Celebrating Life Prevention Team staff.²³

26. The Celebrating Life Prevention Team operates highly specialized multi-tiered suicide prevention programming including real-time tracking of self-injury behaviors (ideation, attempts, deaths, non-suicidal self-injury, and binge drinking). Trained community health workers ensure in-person follow-up and treatment referrals for suicidal behavior reports. The Celebrating Life Prevention Team also runs quarterly and annual analyses to identify trends to support early intervention, address health disparities, and deepen understandings of Apache youth-specific characteristics.

B. Defendants

27. Defendants are collectively referred to as “Defendants” or “Social Media Defendants” throughout this Complaint.

²² See Celebrating Life, Center for Indigenous Health, Johns Hopkins, <https://cih.jhu.edu/programs/celebrating-life/> (last accessed Oct. 13, 2024).

²³ See Novalene Goklish and Francene Larzelere, *Celebrating Life Suicide Prevention Program: White Mountain Apache Tribe Suicide Surveillance and Case Management Follow-up*, Nat’l Academies (May 13, 2022), <https://www.nationalacademies.org/documents/embed/link/LF2255DA3DD1C41C0A42D3BEF0989ACAEC3053A6A9B/file/D412FB5670BD1592B3C8505351EDF5F4AECF0390C5B7?noSaveAs=1>.

1 **1. Meta Defendants**

2 28. Defendant **Meta Platforms, Inc. f/k/a Facebook, Inc.** (“Meta Platforms”) is a
3 Delaware corporation and multinational technology conglomerate. Its principal place of business
4 is in Menlo Park, California.

5 29. Meta Platforms’ subsidiaries include, but are not limited to, the entities identified
6 in this section, as well as a dozen others whose identity or involvement is presently unclear.

7 30. Defendant **Facebook Payments Inc.** (“Facebook 1”) is a wholly owned subsidiary
8 of Meta Platforms that was incorporated in Florida on December 10, 2010. Facebook 1 manages,
9 secures, and processes payments made through Meta Platforms, among other activities. Its
10 principal place of business is in Menlo Park, California.

11 31. Defendant **Siculus, Inc.** (“Siculus”) is a wholly owned subsidiary of Meta
12 Platforms that was incorporated in Delaware on October 19, 2011. Siculus constructs data facilities
13 to support Meta Platforms’ products. Its principal place of business is in Menlo Park, California.

14 32. Defendant **Facebook Operations, LLC** (“Facebook 2”) is a wholly owned
15 subsidiary of Meta Platforms that was incorporated in Delaware on January 8, 2012. Facebook 2
16 is likely a managing entity for Meta Platforms’ other subsidiaries. Meta Platforms is the sole
17 member of this LLC, whose principal place of business is in Menlo Park, California.

18 33. Defendant **Instagram, LLC** (“Instagram”) launched a product called Instagram in
19 October 2010. On or around April 7, 2012, Meta Platforms purchased Instagram, LLC for over
20 one billion dollars and reincorporated the company in Delaware. Meta Platforms is the sole
21 member of this LLC, whose principal place of business is in Menlo Park, California.

22 34. Meta Platforms, Instagram, Siculus, Facebook 1, and Facebook 2 are referred to
23 jointly as “Meta” or “Facebook.”

24 35. Meta owns, operates, controls, produces, designs, maintains, manages, develops,
25 tests, labels, markets, advertises, promotes, supplies, and distributes digital products available
26 through mobile- and web-based applications (“apps”), including Instagram and Facebook
27 (together, “Meta products”); Messenger; and Messenger Kids. Meta’s apps and devices are widely
28 distributed to consumers throughout the United States.

1 **2. Snap**

2 36. Defendant **Snap, Inc.** (“Snap”) is a Delaware corporation with its principal place
3 of business is in Santa Monica, California.

4 37. Snap owns, operates, controls, produces, designs, maintains, manages, develops,
5 tests, labels, markets, advertises, promotes, supplies, and distributes the app Snapchat. Snapchat is
6 widely available to consumers throughout the United States.

7 **3. TikTok**

8 38. Defendant **TikTok Inc. f/k/a Musical.ly, Inc.** is a California corporation with its
9 principal place of business in Culver City, California. TikTok Inc. designs, owns, and operates the
10 TikTok social media platform, an application that is widely marketed by TikTok Inc. and available
11 to minors throughout the United States. TikTok is known as a video-sharing application, where
12 users can create, share, and view short video clips.

13 39. Defendant **ByteDance Inc.** is a Delaware corporation with its principal place of
14 business and headquarters in Mountain View, California. ByteDance Inc. design, owns, and/or
15 operates TikTok, and designs, develops, owns, operates, and/or markets the TikTok social media
16 platform, an application that is widely marketed by TikTok and available to users throughout the
17 United States.

18 40. Defendant **ByteDance Ltd.** is a multinational internet technology holding company
19 and is the parent company of TikTok Inc., TikTok Ltd., and ByteDance Inc. ByteDance Ltd. is
20 headquartered in Beijing, China, and registered in the Cayman Islands. ByteDance Ltd. designs,
21 owns, and/or operates TikTok, and designs, owns, and/or operates the TikTok social media
22 platform, an application that is widely marketed by TikTok and available to minors throughout the
23 United States. ByteDance Ltd. also maintains offices in the United States, Singapore, India, and
24 the United Kingdom, among other locations.

25 41. ByteDance Ltd. wholly owns its subsidiary Defendant **ByteDance Inc.**, a Delaware
26 corporation whose principal place of business is in Mountain View, California.

27 42. ByteDance Ltd. wholly owns its subsidiary Defendant **TikTok Ltd.**, a Cayman
28 Island corporation with its principal place of business in Shanghai, China.

43. TikTok Ltd. wholly owns its subsidiary Defendant **TikTok LLC** which is, and at all relevant times was, a Delaware limited liability company. TikTok LLC wholly owns subsidiary Defendant TikTok, Inc. f/k/a Musical.ly, Inc.

44. Defendant **TikTok U.S. Data Security Inc.** (“USDS”) is a Delaware corporation with its principal place of business and headquarters in Culver City, California. Defendant **TikTok Inc.** wholly owns subsidiary Defendant USDS.

45. Defendants TikTok Ltd.; TikTok LLC; TikTok Inc.; ByteDance Ltd.; ByteDance Inc.; and USDS are referred to jointly as “ByteDance” or “TikTok.”²⁴

4. YouTube

46. Defendant **Google LLC** (“Google”) is a limited liability company organized under the laws of the state of Delaware, and its principal place of business is in Mountain View, California. Google is a wholly owned subsidiary of XXVI Holdings Inc., and the managing member of YouTube, LLC. Google transacts or has transacted business in this District and throughout the United States. At all times material, acting alone or in concert with others, Google has advertised, marketed, and distributed its YouTube video sharing platform to minors throughout the United States. At all times material to this Complaint, acting alone or in concert with YouTube, LLC, Google formulated, directed, controlled, had the authority to control, or participated in the acts and practices set forth in this Complaint. Further, upon information and belief, Google oversees the operations of its various platforms and subsidiaries including YouTube, LLC.

47. Defendant **YouTube, LLC** (“YouTube”) is a limited liability company organized under the laws of the state of Delaware, and its principal place of business is in San Bruno, California. YouTube is a wholly-owned subsidiary of Google. YouTube transacts or has transacted business in this District and throughout the United States. At all times material to this Complaint, acting alone or in concert with defendant Google, YouTube has designed, developed, advertised, marketed, operated, and distributed its YouTube social media platform to minors throughout the United States. At all times material to this Complaint, acting alone or in concert with Google,

²⁴ Corporate Structure, ByteDance (Feb. 2, 2023), <https://www.ByteDance.com/en/>.

1 YouTube formulated, directed, controlled, had the authority to control, or participated in the acts
2 and practices set forth in this Complaint.

3 48. On October 2, 2015, Google reorganized and became a wholly owned subsidiary of
4 a new holding company, **Alphabet Inc.**, a Delaware corporation with its principal place of business
5 in Mountain View, California.

6 49. Google LLC and YouTube, LLC (together, “Google” or “YouTube”) are alter egos
7 of one another: together and in concert they own, operate, control, produce, design, maintain,
8 manage, develop, test, label, market, advertise, promote, supply, and distribute the app YouTube.

9 **IV. GENERAL FACTUAL ALLEGATIONS**

10 **A. Social Media Defendants Have Intentionally Designed Social Media 11 Applications and Platforms to Be Addictive to Maximize Profit**

12 50. Defendants’ social media products (referred to as “Social Media Platforms”) are
13 meticulously designed to be addictive, leveraging physiological and psychological principles, and
14 behavioral science to keep users engaged. One of the primary strategies employed is the use of
15 variable rewards, akin to slot machines. Users are provided with unpredictable rewards—such as
16 likes, comments, or new content—that trigger dopamine releases in the brain, fostering a habit-
17 forming loop. This intermittent reinforcement keeps users coming back for more, as they seek the
18 pleasure derived from these unpredictable stimuli.²⁵

19 51. Another aspect of social media’s addictiveness is the infinite scroll feature.
20 Platforms like Facebook and Instagram allow users to endlessly scroll through content, creating a
21 sense of boundlessness. This design choice exploits the brain's tendency to seek novelty, making
22 it hard for users to find a natural stopping point. Without clear boundaries, users often lose track
23 of time, spending far longer on these platforms than they originally intended.²⁶

24
25 ²⁵ Trevor Haynes, *Dopamine, Smartphones & You: A battle for your time*, Sci. in the News,
26 Harvard Med. School (May 1, 2018), <https://sitn.hms.harvard.edu/flash/2018/dopamine-smartphones-battle-time>.

27 ²⁶ Kaitlin Woolley and Marissa A. Sharif, *The Psychology of Your Scrolling Addiction*,
28 Harvard Bus. Rev. (Jan. 31, 2022), <https://hbr.org/2022/01/the-psychology-of-your-scrolling-addiction>.

52. Notifications also play a crucial role in enhancing the addictive nature of Social Media Platforms. These alerts, which are often personalized, are designed to re-engage users by drawing their attention back to the app based upon the user’s “fear of missing out” on additional opportunities to be connected. This fear further exacerbates this cycle, as users feel compelled to stay updated and connected.²⁷

53. Moreover, Social Media Platforms employ sophisticated algorithms that curate content to match users’ interests and behaviors. These algorithms analyze user data to deliver a personalized feed, ensuring that the content is always relevant and engaging. By continuously adapting to user preferences, Defendants’ Social Media Platforms ensure that there is always something appealing to keep users hooked. This personalization not only maximizes engagement but also deepens the user’s attachment to the platform, making it an integral part of their daily routine.²⁸

54. According to Tristen Harris, former Google Design Ethicist, social media product designers maximize capitalizing on user attention by “play[ing] your psychological vulnerabilities (consciously and unconsciously) against you in the race to grab your attention.”²⁹

55. Algorithms play a vital role in the race for attention using machine learning and data science to generate content based on the likelihood that the user will want to see the suggested content.³⁰

²⁷ Aditi Subramaniam, Ph.D., *The Irresistible Pull of Social Media*, Psych. Today (Dec. 21, 2021), <https://www.psychologytoday.com/us/blog/parenting-neuroscience-perspective/202112/the-irresistible-pull-social-media>.

²⁸ Christopher Cocchiarella, *Social media’s twofold problem: manipulative algorithms and addictive design*, Mindful Technics (Nov. 30, 2021), <https://mindfultechnics.com/manipulative-algorithms-and-addictive-design-summing-up-whats-wrong-with-social-media/>.

²⁹ Tristan Harris, *How Technology is Hijacking Your Mind—from a Magician and Google Design Ethicist*, Medium (May 18, 2016), <https://medium.com/thrive-global/how-technology-hijacks-peoples-minds-from-a-magician-and-google-s-design-ethicist-56d62ef5edf3>.

³⁰ Brent Barnhart, *Everything you need to know about social media algorithms*, Sprout Social, (Mar. 26, 2021), <https://sproutsocial.com/insights/social-media-algorithms>.

56. Social media apps are designed to be addictive. Based upon their design, interactions with the apps can release large amounts of dopamine into a user's brain's reward pathway—identical to highly addictive substances.³¹

57. Addiction to social media is by design: the more an individual interacts with an app, the more money the social media company makes. This is because each interaction with a user allows more opportunities to monetize that user's interactions to sell advertising access.³²

58. The addictive nature of social media usage is further increased when users engage in mental rituals like following certain accounts or posting frequently to stay in touch with friends.³³ Social media increasingly replaces physical human interactions, leading to feelings of isolation and loneliness.³⁴

59. Young people are more susceptible to social media addiction than older adults, and young people aged 16 to 25 have the highest rates of social media-related mental illness.³⁵

³¹ Jim Zhao, *et al.*, *Risk Factors Associated with Social Media Addiction: An Exploratory Study*, Nat'l Lib. of Med. (Apr. 14, 2022), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9046602/>; Bruce Goldman, *Addictive potential of social media, explained*, Stanford Med. Scope (Oct. 29, 2021), <https://scopeblog.stanford.edu/2021/10/29/addictive-potential-of-social-media-explained/>; Jena Hilliard, *New Study Suggests Excessive Social Media Use Is Comparable to Drug Addiction*, AddictionCenter (Sept. 4, 2019), <https://www.addictioncenter.com/news/2019/09/excessive-social-media-use/>; Sherri Gordon, *Excessive Social Media Use Comparable to Drug Addiction*, VeryWellMind (July 17, 2019), <https://www.verywellmind.com/excessive-social-media-use-4690882>.

³² Catherine Price, *Trapped—the secret ways social media is built to be addictive (and what you can do to fight back)*, BBC Sci. Focus Mag. (Oct. 29, 2018), <https://www.sciencefocus.com/future-technology/trapped-the-secret-ways-social-media-is-built-to-be-addictive-and-what-you-can-do-to-fight-back/>.

³³ Werner Geyser, *The Real Social Media Addiction Stats for 2023*, Influencer Mktg. Hub (Dec. 14, 2022), <https://influencermarketinghub.com/social-media-addiction-stats/>.

³⁴ Alice G. Walton, *Social Media May Make You Feel Socially Isolated: Study*, Forbes (Mar. 6, 2017), <https://www.forbes.com/sites/alicegwalton/2017/03/06/social-media-and-social-isolation-go-hand-in-hand-but-which-comes-first/?sh=23dcc79d1785>.

³⁵ Michael Simon, *The Alarming Reality of Social Media Addiction Statistics in 2023*, TechReport (May 16, 2023), <https://techreport.com/statistics/social-media-addiction-statistics/>.

60. Social Media Defendants have known for years that their products—not only designed to be addictive—are addictive.

61. For example, Sandy Parakilas, a former Facebook employee who began working at the company in 2011, has likened “[s]ocial media [to be] very similar to a slot machine.”³⁶ He explained that, when trying to stop using Facebook, “[i]t literally felt like I was quitting cigarettes.”³⁷

62. Mr. Parakilas has confirmed that others at Facebook had also recognized the risk of addiction. “There was definitely an awareness of the fact that the product was habit-forming and addictive. . . . You have a business model designed to engage you and get you to basically suck as much time out of your life as possible and then selling that attention to advertisers.”³⁸

63. Former Facebook executive Chamath Palihapitiya also noted that “[t]he short-term dopamine-driven feedback loops that we have created are destroying how society works. . . . It literally is a point now where I think we have created tools that are ripping apart the social fabric of how society works. That is truly where we are. I would encourage all of you, as the future leaders of the world to really internalize how important this is. If you feed the beast, that beast will destroy you.”³⁹

64. Each Social Media Defendant has designed, engineered, marketed, and operated its products to maximize the number of youth users who engage and use their respective products compulsively.

65. This exploitation of young users, which includes the young children, adolescents, and teenagers of the White Mountain Apache Tribe, has become central to Defendants’

³⁶ Hilary Andersson, *Social media apps are ‘deliberately’ addictive to users*, BBC (July 3, 2018), <https://www.bbc.com/news/technology-44640959>.

³⁷ *Id.*

³⁸ *Id.*

³⁹ Devi B. Dilliard-Wright, Ph.D., *Technology Designed for Addiction*, Psychology Today (Jan. 4, 2018), <https://www.psychologytoday.com/us/blog/boundless/201801/technology-designed-addiction>.

1 profitability. Like the cigarette industry a generation earlier, Defendants understand that a child
 2 user today becomes an adult user tomorrow.⁴⁰ Indeed, Defendants’ insatiable appetite for growth
 3 has created a need for younger and younger users. Defendants’ wrongfully acquired knowledge of
 4 their childhood userbase has allowed them to develop product designs to target elementary school-
 5 age children, who are uniquely vulnerable.

6 66. Like Joe Camel of old cigarette advertisements, Defendants’ recent attempts to
 7 capture pre-adolescent audiences include “kid versions” of apps that are “designed to fuel [kids’]
 8 interest in the grown-up version.”⁴¹

9 67. While the passage of laws like the Children’s Online Privacy Protection Act
 10 (“COPPA”) in 1999⁴² require social media companies to obtain age verification before collecting
 11 certain information about children,⁴³ for a significant period of time relevant to this Complaint,
 12 Social Media Defendants did not conduct proper age verification or authentication. Instead, each
 13 Defendant left it to users to self-report their age. Newer types of age verification adopted by the
 14 Defendants are easy for adolescents to bypass. This unenforceable and facially inadequate system
 15 allows children under thirteen to easily create accounts on Defendants’ apps.

16 68. This is particularly egregious for two reasons. *First*, Defendants have long been on
 17 notice of the problem. For instance, in May 2011, Consumer Reports reported the “troubling news”
 18

19 ⁴⁰ Isobel Asher Hamilton, *Silicon Valley insiders say Facebook, Snapchat, and Twitter are*
 20 *using ‘behavioral cocaine’ to turn people into addicts*, Bus. Insider (Jul 4, 2018),
 21 <https://www.businessinsider.com/silicon-valley-insiders-tell-bbc-how-tech-firms-turn-users-into-addicts-2018-7>.

22 ⁴¹ Leonard Sax, *Is TikTok Dangerous for Teens?*, Inst. Fam. Stud. (Mar. 29, 2022),
 23 <https://ifstudies.org/blog/is-tiktok-dangerous-for-teens->.

24 ⁴² See 15 U.S.C. §§6501-6506.

25 ⁴³ The FTC recently clarified that acceptable methods for obtaining verifiable parent consent
 26 include: (a) providing a form for parents to sign and return; (b) requiring the use of a credit/card
 27 online payment that provides notification of each transaction; (c) connecting to trained personnel
 28 via video conference; (d) calling a staffed toll-free number; (e) asking knowledge-based questions;
 or (f) verifying a photo-ID from the parent compared to a second photo using facial recognition
 technology. Federal Trade Commission, *Complying with COPPA: Frequently Asked Questions*,
 July 2020, <https://www.ftc.gov/business-guidance/resources/complying-coppa-frequently-asked-questions>.

that 7.5 million children under the age of thirteen were on Facebook.⁴⁴ *Second*, given that Defendants have developed and utilized age-estimation algorithms for the purpose of selling user data and targeted advertisements, Defendants could readily use these algorithms to prevent children under thirteen from accessing their products, but choose not to do so.

69. Defendants have done this because children are financially lucrative, particularly when they are addicted to Defendants' Social Media Platforms.

70. This is because, the more time children spend on Social Media Platforms, the more money Defendants make off of advertising.⁴⁵

B. Social Media Has Widespread, Dire, and Often Tragic Effects on the Mental Health of Teenagers, Adolescents, and Children—a Vulnerable Population Uniquely Susceptible to Harm from Defendants' Addictive Applications and Platforms

71. Young people are not only Defendants' most lucrative market but are also those most vulnerable to harm resulting from Defendants' products.

72. Adolescents, on average, report spending between five to seven hours per day on social media, and half of those believe that they spent "too much time" on social media.⁴⁶

73. Social media companies, including the Social Media Defendants, know all of this.

⁴⁴ Emily Bazelon, *Why Facebook is After Your Kids*, N.Y. Times (Oct. 12, 2011), <http://www.nytimes.com/2011/10/16/magazine/why-facebook-is-after-your-kids.html>.

⁴⁵ Greg McFarlane, *How Facebook (Meta), X Corp (Twitter), Social Media Make Money From You*, Investopedia (Dec. 2, 2022), <https://www.investopedia.com/stock-analysis/032114/how-facebook-twitter-social-media-make-money-you-twtr-lnkd-fb-goog.aspx>; Hilary Andersson, *Social media apps are 'deliberately' addictive to users*, BBC (July 3, 2018), <https://www.bbc.com/news/technology-44640959> ("You have a business model designed to engage you and get you to basically suck as much time out of your life as possible and then selling that attention to advertisers."); Amanda Raffoul, *et al.*, *Social media platforms generate billions of dollars in revenue from U.S. youth: Findings from a simulated revenue model*, Nat'l Libr. of Med. (Dec. 27, 2023), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10752512/> ("The findings reveal that, across six major social media platforms, the 2022 annual advertising revenue from youth users ages 0-17 years is nearly \$11 billion. Approximately 30-40% of advertising revenue generated from three social media platforms is attributable to young people.").

⁴⁶ Tonya Mosley and Serena McMahon, *Social Media Use Linked to Anxiety, Depression Among Teens, New Study Finds*, WBUR (Jan. 9, 2020), <https://www.wbur.org/hereandnow/2020/01/09/social-media-anxiety-depression-teens>.

[P]sychologist Nicholas Kardaras explains that the people behind Facebook and Instagram not only designed their platforms to be wildly addictive but have kept them that way even amid mounting evidence that social media overuse has a horrible effect on people’s mental and physical well-being. (The same is true for Twitter, YouTube, TikTok, and most other social media.)⁴⁷

74. Facebook’s founding president, Sean Parker, said publicly that the company set out to consume as much user time as possible. He claimed it was “exploiting a vulnerability in human psychology.” “The inventors,” he admitted, “understood this consciously and we did it anyway.”⁴⁸

75. Perhaps most tellingly about the negative effects that social media has on children, some significant tech moguls do not let their children use social media.⁴⁹

76. Young people are particularly more susceptible to social media addiction than older adults, and young people aged 16 to 25 have the highest rates of social media-related mental illness.⁵⁰

77. Chris Said, who has a Ph.D. in psychology from Princeton University and who has worked at both Facebook and Twitter, notes that, “[s]ocial media was like a nuclear bomb on teen social life. . . . I don’t think there’s anything in recent memory, or even distant history, that has changed the way teens socialize as much as social media.”⁵¹

78. Social media addiction can cause a number of negative problems in young users.

⁴⁷ Kelsey Gripenstraw, *Our Social Media Addiction*, Harvard Bus. Rev. (Nov.-Dec. 2022), <https://hbr.org/2022/11/our-social-media-addiction>.

⁴⁸ Hilary Andersson, *Social media apps are ‘deliberately’ addictive to users*, BBC News (July 4, 2018), <https://www.bbc.com/news/technology-44640959>.

⁴⁹ Kristin Conrad, *The Real Reason Tech Moguls Don’t Let Their Kids on Social Media*, The List (Dec. 6, 2021), <https://www.thelist.com/677684/the-real-reason-tech-moguls-dont-let-their-kids-on-social-media/>.

⁵⁰ Michael Simon, *The Alarming Reality of Social Media Addiction Statistics in 2023*, TechReport (May 16, 2023), <https://techreport.com/statistics/social-media-addiction-statistics/>.

⁵¹ Michaeleen Doucleff, *The truth about teens, social media and the mental health crisis*, NPR (Apr. 25, 2023), <https://www.npr.org/sections/health-shots/2023/04/25/1171773181/social-media-teens-mental-health>.

79. Teens, adolescents, and children are frequent and heavy users of social media, with studies showing that over 90% of this population regularly engages with Social Media Platforms.⁵² These platforms have become integral to their social lives and identity formation, making them uniquely susceptible to the content and mechanisms that drive engagement.

80. Social Media Platforms are designed using sophisticated algorithms and psychological triggers that exploit reward systems in the brain, leading to compulsive usage. Features like infinite scrolling, notifications, and “likes” create a cycle of dependency, which negatively impacts mental health, particularly in young users whose brains are still developing.

81. Adolescents and children are particularly prone to social comparison. Social media magnifies these tendencies by constantly exposing them to highly curated, unrealistic portrayals of others’ lives. This fosters feelings of inadequacy, low self-esteem, and dissatisfaction with one’s own life.⁵³

82. Defendants’ Social Media Platforms provide new arenas for bullying, with cyberbullying becoming a widespread issue that disproportionately affects young users. The anonymity and distance provided by online platforms inflame the cruelty of harassment, leading to increased rates of depression, anxiety, and suicide among teenagers.⁵⁴

83. The compulsive use of social media often leads to disrupted sleep patterns, as teenagers and children use these platforms late into the night. Sleep deprivation is closely linked

⁵² The Bronfenbrenner Ctr. for Transnat’l Rsch., *Depression: New Evidence on Adolescent Mental Health and Social Media*, Psych. Today (June 8, 2023), <https://www.psychologytoday.com/us/blog/evidence-based-living/202306/new-evidence-on-adolescent-mental-health-and-social-media>.

⁵³ Mental Health America, Back-to-School Toolkit 2003, *Social Media, Youth, and Comparison*, <https://www.mhanational.org/sites/default/files/back-to-school/2023/downloads/Social-Media-Youth-Comparison.pdf>.

⁵⁴ *Frequent Social Media Use and Experiences with Bullying Victimization, Persistent Feelings of Sadness or Hopelessness, and Suicide Risk Among High School Students—Youth Risk Behavior Study, United States, 2023*, Center for Disease Control and Prevention (Oct. 10, 2024), <https://www.cdc.gov/mmwr/volumes/73/su/su7304a3.htm>.

1 to mood disorders, irritability, and cognitive impairments, further exacerbating mental health
2 issues.⁵⁵

3 84. Numerous studies have drawn a direct correlation between heavy social media use
4 and heightened levels of anxiety and depression, particularly among adolescents. The constant
5 connectivity and pressure to maintain an online persona contribute to feelings of stress, isolation,
6 and hopelessness.⁵⁶

7 85. The “fear of missing out” is a documented psychological effect of social media
8 usage, wherein adolescents experience anxiety over being excluded from events, experiences, or
9 conversations. This fear fuels compulsive checking of social media feeds, increasing stress levels
10 and exacerbating feelings of isolation.⁵⁷

11 86. Social Media Platforms often promote unrealistic beauty standards through edited,
12 filtered images and influencer culture. This has a profound effect on teenagers and children,
13 especially young girls, leading to body dysmorphia, eating disorders, and a distorted sense of self-
14 worth.⁵⁸

15 87. Social media use has been linked to increased rates of self-harm and suicidal
16 ideation among teenagers. The exposure to harmful content, such as glorification of self-harm,
17
18
19

20 ⁵⁵ *Heavy social media use linked to poor sleep*, BBC (Oct. 22, 2019),
21 <https://www.bbc.com/news/health-50140111>.

22 ⁵⁶ Christina Vogt, *Under Pressure: Are the Stresses of Social Media Too Much for Teens and*
23 *Young Adults?*, Everyday Health (Sept. 1, 2021), <https://www.everydayhealth.com/emotional-health/under-pressure/are-the-stresses-of-social-media-too-much-for-teens-and-young-adults/>.

24 ⁵⁷ Sebastian Ocklenberg, Ph.D., *FOMO and Social Media*, Psychology Today (June 13,
25 2021), <https://www.psychologytoday.com/us/blog/the-asymmetric-brain/202106/fomo-and-social-media>.

26 ⁵⁸ Monica Gupta, *et al.*, *The association between social media use and body dysmorphic*
27 *symptoms in young people*, Frontiers in Psychology (Aug. 17, 2023),
28 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10471190/>.

1 suicide pacts, or dangerous online challenges, can push vulnerable adolescents toward destructive
2 behaviors.⁵⁹

3 88. Social Media Platforms' algorithms often push users toward increasingly extreme
4 content based on their viewing history. Adolescents, who are still forming their worldviews, are
5 particularly vulnerable to online echo chambers that normalize harmful ideologies, conspiracy
6 theories, and even radicalization.⁶⁰

7 89. The rapid adoption of social media by adolescents and children has outpaced
8 parents' ability to effectively supervise their online activities. Social Media Platforms are designed
9 to evade parental controls, exposing young users to harmful content without adequate oversight.⁶¹

10 90. Social media use triggers dopamine release in the brain, much like addictive
11 substances. Adolescents, with their developing brains, are more susceptible to dopamine-driven
12 behavior, leading to a heightened risk of social media addiction and the corresponding negative
13 impacts on mental health.⁶²

14 91. Social media often amplifies the stigma and isolation surrounding mental health
15 issues. Adolescents may seek validation through likes, comments, and shares, but negative or
16
17
18

19 ⁵⁹ Sujata Gupta, *Social media harms teens' mental health, mounting evidence shows. What*
20 *now?*, ScienceNews (Feb. 20, 2024), [https://www.sciencenews.org/article/social-media-teens-](https://www.sciencenews.org/article/social-media-teens-mental-health)
21 [mental-health](https://www.sciencenews.org/article/social-media-teens-mental-health).

22 ⁶⁰ Arianna Prothero, *Teens are 'Digital Natives,' But More Susceptible to Online*
23 *Conspiracies Than Adults*, EducationWeek (Aug. 24, 2023), [https://www.edweek.org/teens-are-](https://www.edweek.org/teens-are-digital-natives-but-more-susceptible-to-online-conspiracies-than-adults/2023/08)
24 [digital-natives-but-more-susceptible-to-online-conspiracies-than-adults/2023/08](https://www.edweek.org/teens-are-digital-natives-but-more-susceptible-to-online-conspiracies-than-adults/2023/08).

25 ⁶¹ Christina Caron, *Worried About Your Teen on Social Media? Here's How to Help*, New
26 *York Times* (Sept. 21, 2021), [https://www.nytimes.com/2021/09/21/well/family/teens-social-](https://www.nytimes.com/2021/09/21/well/family/teens-social-media-help.html)
27 [media-help.html](https://www.nytimes.com/2021/09/21/well/family/teens-social-media-help.html) ("kids 12 and under can easily evade any age-related restrictions on social media
28 platforms by lying about their birth year").

29 ⁶² Marco Carotenuto, *et al.*, *The Impact of Social Media on Adolescent Mental Health*, Mental
30 *Health of Children and Adolescents in the 21st Century* (Nov. 8, 2023), *available at*
31 <https://www.intechopen.com/online-first/1166131>.

1 insufficient responses can worsen feelings of rejection and alienation, compounding mental health
2 struggles.⁶³

3 92. Despite being more “connected” than ever through social media, teenagers and
4 children are reporting higher levels of loneliness and social isolation. The superficial nature of
5 online interactions often fails to meet the deep, emotional connections that are crucial for
6 adolescent mental development.⁶⁴

7 93. The addictive nature of Defendants’ Social Media Platforms distracts teenagers
8 from their academic responsibilities, leading to declining grades and school performance. This, in
9 turn, increases stress and anxiety levels, contributing to a negative feedback loop that impacts both
10 their education and mental well-being.⁶⁵

11 94. Social Media Platforms often glorify risky or harmful behaviors, such as substance
12 abuse, dangerous stunts, or hypersexuality. Adolescents and children, who are still developing
13 judgment and decision-making skills, are more likely than adults to imitate these behaviors,
14 increasing the likelihood of harm.⁶⁶

15 95. Social Media Platforms are largely unregulated, particularly in how they affect
16 vulnerable populations like children and adolescents. The absence of meaningful safeguards or
17
18
19

20 ⁶³ Hae Yeon Lee, *et al.*, *Getting Fewer “Likes” Than Others on Social Media Elicits*
21 *Emotional Distress Among Victimized Adolescents*, Nat’l Lib. of Med. (Sept. 6, 2020),
22 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7722198/>.

23 ⁶⁴ Katherine Hobson, *Feeling Lonely? Too Much Time on Social Media May Be Why*, NPR
24 (Mar. 6, 2017), [https://www.npr.org/sections/health-shots/2017/03/06/518362255/feeling-lonely-](https://www.npr.org/sections/health-shots/2017/03/06/518362255/feeling-lonely-too-much-time-on-social-media-may-be-why)
[too-much-time-on-social-media-may-be-why](https://www.npr.org/sections/health-shots/2017/03/06/518362255/feeling-lonely-too-much-time-on-social-media-may-be-why).

25 ⁶⁵ Liana Heitin, *Students who use social media score lower in math, reading and science*,
26 PBS News (Aug. 17, 2016), [https://www.pbs.org/newshour/education/social-media-use-linked-](https://www.pbs.org/newshour/education/social-media-use-linked-low-math-reading-science-performance)
[low-math-reading-science-performance](https://www.pbs.org/newshour/education/social-media-use-linked-low-math-reading-science-performance).

27 ⁶⁶ Teresa Vente, DO, MPH, *et al.*, *Association of Social Media Use and High-Risk Behaviors*
28 *in Adolescents: Cross-Sectional Study*, JMIR Pediatrics and Parenting (May 26, 2020),
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7284392/>.

1 effective age restrictions allows young users unfettered access to content that can negatively
2 impact their mental health.⁶⁷

3 96. Children and adolescents are frequently exposed to violent, sexual, or otherwise
4 inappropriate content on Social Media Platforms, often without adequate warning or filtering. This
5 can lead to trauma, desensitization to violence, and confusion about sexual relationships and
6 identity.⁶⁸

7 97. Adolescents are particularly susceptible to peer pressure, which is amplified
8 through social media use. Groupthink, viral challenges, and the desire to conform to online trends
9 can lead teenagers into dangerous situations or unhealthy behaviors that they might not otherwise
10 engage in.⁶⁹

11 98. The consequences of social media use in young people can be dire, extreme,
12 widespread, and cause significant damage to youth development.

13 **C. Young Users of Defendants’ Addictive Social Media Applications and**
14 **Platforms Are Especially Vulnerable Because Their Prefrontal**
Cortexes (Which Affects Judgment) Are Not Fully Developed

15 99. The addictive nature of Defendants’ applications and platforms is especially
16 damaging for teens and young people. MRI brain studies show that students who use social media
17 more frequently had increased activation points of their brain, “possibly making them more prone
18
19
20

21 ⁶⁷ Meg Tirrell, *Social media presents ‘profound risk of harm’ for kids, surgeon general says,*
22 *calling attention to lack of research*, CNN (May 24, 2023),
23 <https://www.cnn.com/2023/05/23/health/social-media-kids-surgeon-general-advisory-wellness/index.html>.

24 ⁶⁸ *Surgeon General Issues New Advisory About Effects Social Media Use Has on Youth*
25 *Mental Health* (May 23, 2023), <https://www.hhs.gov/about/news/2023/05/23/surgeon-general-issues-new-advisory-about-effects-social-media-use-has-youth-mental-health.html>.

26 ⁶⁹ Jacqueline Nesi, *Transformation of Adolescent Peer Relations in the Social Media Context:*
27 *Part 2—Application to Peer Group Processes and Future Directions for Research*, Clinical Child
28 Family Psychological Review Mar. 6, 2019), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6402323/>.

to peer feedback and hypersensitivity and possibly leading to changes in impulse control and regulation, according to ABC News chief medical correspondent Dr. Jennifer Ashton.”⁷⁰

100. *Social media usage can hinder healthy development of the prefrontal cortex.* Social Media Platforms often promote a culture of comparison, where teenagers constantly compare themselves to their peers in terms of appearance, achievements, and social status. This continuous exposure to idealized and curated representations of others’ lives can lead to feelings of inadequacy, low self-esteem, and increased social anxiety. The prefrontal cortex, involved in self-reflection and emotional regulation, can be impacted by the constant pressure and negative emotions resulting from social comparison, potentially hindering healthy brain development.⁷¹

101. Because social media companies push their defective products on developing brains, the effects are catastrophic. Studies have shown that teens who spend more than three hours per day using social media are at a heightened risk for mental health problems, poor mental health, and poor well-being.⁷² Extensive research on the quantity and quality of social media use has shown an association between social media use and depression in adolescents.⁷³

102. Heavy use of Social Media Platforms is also associated with feelings of social isolation. People who report spending the most time on social media—more than two hours per

⁷⁰ Haley Yamada and Katie Kindelan, *Social media use linked to brain changes in teens, study finds*, ABC News (Jan. 5, 2023), <https://abcnews.go.com/GMA/Wellness/social-media-linked-brain-teens-study-finds/>.

⁷¹ Michelle Achterberg, *et al.*, *Longitudinal associations between social media use, mental well-being and structural brain development across adolescence*, Developmental Cognitive Neuroscience (Apr. 2022), <https://www.sciencedirect.com/science/article/pii/S1878929322000329?via%3Dihub>; Eveline A. Crone and Emily A. Konijn, *Media use and brain development during adolescence*, Nature Commc’ns (Feb. 21, 2018), <https://www.nature.com/articles/s41467-018-03126-x>.

⁷² *Teens and social media use: What’s the impact*, Mayo Clinic Healthy Lifestyle, Tween and teen health, <https://www.mayoclinic.org/healthy-lifestyle/tween-and-teen-health/in-depth/teens-and-social-media-use/art-20474437> (last visited May 28, 2024).

⁷³ Carol Vidal, *et al.*, *Social media use and depression in adolescents: a scoping review*, Int’l Rev. of Psychiatry (Feb. 17, 2020), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7392374/#>.

day—had twice the odds of perceived social isolation than those who said they spent a half hour per day or less on those sites.⁷⁴

103. ***Social media usage leads to impulsive decision-making and risk-taking behavior.***

The prefrontal cortex is responsible for regulating impulsive behaviors and assessing risks. Social Media Platforms often encourage instant gratification, impulsive reactions, and seeking novelty. This can contribute to a greater inclination towards impulsive decision-making and risk-taking behavior, as teenagers may engage in potentially harmful activities driven by the desire for social validation or the need to conform to online trends. Such behavior can negatively impact the development of the frontal cortex, which is responsible for evaluating consequences and exercising self-control.⁷⁵

104. ***Social media usage’s dopamine rush impacts the ventral striatum.*** Between the ages of 10 and 12, changes in the brain make social rewards—compliments on clothing or positive feedback—start to feel more satisfying. Specifically, receptors for oxytocin and dopamine multiply in a part of the brain called the ventral striatum, making preteens extra sensitive to attention and admiration from others.⁷⁶

105. Social Media Platforms provide a mechanism to experience these “social rewards,” giving the ventral striatum “a dopamine and oxytocin rush whenever we experience social rewards.”⁷⁷ And, “[r]ight next door to the ventral striatum lies the ventral pallidum, a region of the brain key for motivating action. These structures, which lie beneath the more recently evolved

⁷⁴ Katherine Hobson, *Feeling Lonely? Too Much Time on Social Media May Be Why*, NPR (Mar. 6, 2017), <https://www.npr.org/sections/health-shots/2017/03/06/518362255/feeling-lonely-too-much-time-on-social-media-may-be-why>; Brian A. Primack, M.D., Ph.D., *et al.*, *Social Media Use and Perceived Social Isolation Among Young Adults in the U.S.*, Am. J. of Preventative Med. (Mar. 6, 2017), [https://www.ajpmonline.org/article/S0749-3797\(17\)30016-8/fulltext](https://www.ajpmonline.org/article/S0749-3797(17)30016-8/fulltext).

⁷⁵ *Screen Addiction Affects Physical and Mental Health*, Premier Health (May 11, 2023), <https://www.premierhealth.com/your-health/articles/health-topics/screen-addiction-affects-physical-and-mental-health>.

⁷⁶ Zara Abrams, *Why young brains are especially vulnerable to social media*, American Psych. Ass’n (Aug. 25, 2022), <https://www.apa.org/news/apa/2022/social-media-children-teens>.

⁷⁷ *Id.*

cortex, are older parts of the brain that drive instinctual behaviors.”⁷⁸ Teens continue to seek out approval and acceptance via these “social rewards” on social media and become isolated and feel lonelier if and when they do not receive them.⁷⁹

106. *Social media usage reduces face-to-face interactions, impeding the development of social skills in youth users.* Excessive reliance on Social Media Platforms for social interactions can reduce face-to-face interactions, which are crucial for the development of social skills, cognitive development, and emotional intelligence. The prefrontal cortex is involved in understanding and navigating social dynamics, including interpreting facial expressions, body language, and non-verbal cues. Reduced face-to-face interactions may limit opportunities for teenagers to develop and refine these social skills, potentially affecting the maturation of the frontal cortex, and possibly leading to the development of narcissistic tendencies.⁸⁰

D. Millions of Children, Adolescents, and Teenagers Are Addicted to Defendants’ Social Media Products and Use Them Compulsively

107. Defendants have been staggeringly successful in their efforts to attract young users to their apps. In 2021, 32% of 7- to 9-year-olds,⁸¹ 49% of 10- to 12-year-olds,⁸² and 90% of 13- to

⁷⁸ *Id.*

⁷⁹ Cory Turner, *10 things to know about how social media affects teens’ brains*, NPR (Feb. 16, 2023), <https://www.npr.org/2023/02/16/1157180971/10-things-to-know-about-how-social-media-affects-teens-brains>; Written Testimony of Mitch Prinstein, Ph.D., ABPP, Chief Science Officer, American Psychological Association, *Protective Our Children Online*, U.S. Senate Comm. on Judiciary (Feb. 14, 2023), <https://www.judiciary.senate.gov/imo/media/doc/2023-02-14%20-%20Testimony%20-%20Prinstein.pdf>.

⁸⁰ Anthony Silard, Ph.D., *The Role of Social Media in Our Empathy Crisis*, Psych. Today (July 11, 2022), <https://www.psychologytoday.com/us/blog/the-art-living-free/202207/the-role-social-media-in-our-empathy-crisis>; Yamila Lezcano, LHMC, *How Social Media Affects Mental Health in Adolescents*, Psych. Today (Aug. 25, 2021), <https://www.psychologytoday.com/us/blog/becoming-resilient/202108/how-social-media-affects-mental-health-in-adolescents>.

⁸¹ *Sharing Too Soon? Children and Social Media Apps*, C.S. Mott Child’s Hosp. Univ. Mich. Health (Oct. 18, 2021), <https://mottpoll.org/reports/sharing-too-soon-children-and-social-media-apps>.

⁸² *Id.*

17-year-olds in the United States used social media.⁸³ A majority of U.S. teens use Instagram, TikTok, Snapchat, and/or YouTube. 32% say they “wouldn’t want to live without” YouTube, while 20% said the same about Snapchat, and 13% said the same about both TikTok and Instagram.

108. Social media use among tribal youth is compulsive. The 2020 Native Youth Health Tech Survey determined that 65.3% of tribal youth (15-24) are on social media 3 to 7 hours per day, “with 86.0% reporting their primary activity on social media as scrolling, followed by watching videos (75.1%).”⁸⁴ The same survey found that “the most popular daily technology use among [Native American Indian or Alaska Native] youth involved browsing Instagram (74.0%), sending/receiving snap messages via Snapchat (60.0%), using TikTok (50.4%), and watching videos on YouTube (48.4%).”⁸⁵

V. SOCIAL MEDIA DEFENDANTS AND THEIR CORRESPONDING PLATFORMS HAVE EACH CONTRIBUTED TO THE MENTAL HEALTH CRISIS DEVASTATING INDIGENOUS YOUTH

A. Meta’s Social Media Products Are Designed to Be Addictive and Meta Profits from that Addiction

109. Meta operates and designs two social media platforms at issue in this Complaint: Facebook and Instagram. Meta’s products are broadly popular and are among the most-used social media applications in the world. Facebook has nearly 3 billion monthly active users, and Instagram has over a billion monthly active users.⁸⁶

⁸³ *Social Media and Teens*, Am. Acad. Child & Adolescent Psychiatry (Mar. 2018); *see also* Victoria Rideout *et al.*, *The Common Sense Census: Media Use by Tweens and Teens*, 2021 at 5, Common Sense Media (2022).

⁸⁴ Reed *et al.*, *Centering Native Youths’ Needs and Priorities: Findings from the 2020 Native Youth Health Tech Survey*, Mental Health Res. (Mar. 2022), <https://pubmed.ncbi.nlm.nih.gov/36178745/>.

⁸⁵ *Id.*

⁸⁶ Brian Dean, *Facebook Demographic Statistics: How Many People Use Facebook in 2023?*, Backlinko (Mar. 27, 2023), <https://backlinko.com/facebook-users>.

1 110. Meta's platforms are mass-marketed products⁸⁷ which are consumed by the general
2 public, including minors. The products work by collecting user data in exchange for providing a
3 service.

4 111. Instagram's evolution has focused on increasing user engagement in order to drive
5 profits. The introduction of video sharing in 2013 allowed users to share dynamic content,⁸⁸ while
6 the introduction of Instagram Stories in 2016 facilitated real-time sharing that disappeared after 24
7 hours, challenging the dominance of Snapchat in ephemeral content.⁸⁹

8 112. Instagram is intentionally addictive and was designed and manufactured to addict
9 its users to drive profits.⁹⁰

10 113. Meta, the company behind Facebook and Instagram, has deliberately incorporated
11 detrimental elements into their platforms that encourage addictive behavior among adolescents.
12 These defects include, but are not limited to:

13
14
15 ⁸⁷ See Meta Platforms Annual Report 2022 at 3 (Feb. 3, 2022),
16 <https://annualreport.stocklight.com/nasdaq/meta/22586105.pdf> ("The term 'Family' refers to our
17 Facebook, Instagram, Messenger, and WhatsApp products. For references to accessing Meta's
18 products on the 'web' or via a 'website,' such terms refer to accessing such products on personal
19 computers. For references to accessing Meta's products on 'mobile,' such term refers to accessing
such products via a mobile application or via a mobile-optimized version of our websites such as
m.facebook.com, whether on a mobile phone or tablet.")

20 ⁸⁸ Colleen Taylor, *Instagram Launches 15-Second Video Sharing Feature, With 13 Filters*
21 *and Editing*, Tech Crunch (June 20, 2013), <https://techcrunch.com/2013/06/20/facebook-instagram-video/>.

22 ⁸⁹ *Introducing Instagram Stories*, Instagram (Aug. 2, 2016),
<https://about.instagram.com/blog/announcements/introducing-instagram-stories>.

23 ⁹⁰ Bruce Goldman, *Addictive potential of social media, explained*, Stanford Med. Scope (Oct.
24 29, 2021), <https://scopeblog.stanford.edu/2021/10/29/addictive-potential-of-social-media-explained/>;
25 Hannah Schwär, *How Instagram and Facebook are intentionally designed to mimic*
addictive painkillers, Insider (Aug. 11, 2021), <https://www.businessinsider.com/facebook-has-been-deliberately-designed-to-mimic-addictive-painkillers-2018-12>;
26 Ashley Mateo, *Instagram Addiction Is Real: Step Away from the Smartphones*, Self (Nov. 29, 2014),
27 <https://www.self.com/story/instagram-addiction-real>; Drake Baer, *The Psychology Behind Why*
28 *Instagram Is So Addictive*, Insider (Nov. 18, 2014), <https://www.businessinsider.com/psychology-of-why-instagram-is-addictive-2014-11>.

- recommendation algorithms, powered by extensive data collection, which Meta intentionally designs and programs to promote excessive and frequent usage among adolescents;
- features that exploit young users' desire for validation and their tendency to engage in social comparisons;
- product features intentionally designed by Meta to create harmful cycles of repetitive and excessive usage;
- the intentional absence of effective mechanisms, despite having the capability to implement them, to restrict minors from using the products;
- inadequate parental controls and the facilitation of unsupervised usage of the platforms; and
- deliberate placement of obstacles to discourage and/or prevent users from ceasing their usage of the products.

114. One of the most addictive features of Instagram is its “infinite scroll” feature. “The convenience of the flick of a finger combined with our desire to solve the uncertainty of what the next post is about, results in a powerfully addictive force which users often do not realize as they subconsciously scroll.”⁹¹

115. Additionally, Meta builds user engagement algorithms into its products, which deliver content to users to elicit the largest reactions, favor posts that generate extreme engagement, and lead isolated teens and adolescents down dangerous paths.

116. Meta is aware that its programmed recommendations push dangerous content to adolescents and teens, and leaked internal documents from the company show that it was aware of the harmful effects that its products were having.⁹²

⁹¹ Grant Collins, *Why the infinite scroll is so addictive*, Medium (Dec. 10, 2020), <https://uxdesign.cc/why-the-infinite-scroll-is-so-addictive-9928367019c5>; Anish Bhanot, *Infinite Scroll Addiction: How Instagram just showed us they may be seeking to solve this trap*, Medium (Jan. 9, 2019), https://medium.com/@anish_b/infinite-scroll-addiction-how-instagram-just-showed-us-they-may-be-seeking-to-solve-this-trap.

⁹² Kishalaya Kundu, *Documents Confirm Facebook Knew Exactly How It Was Harming Teen Girls*, ScreenRant (Dec. 13, 2022), <https://screenrant.com/meta-instagram-document-leak/>; Max A. Cherney and Anita Hamilton, *Meta may still face SEC probe over Instagram complaints*, Barron's, <https://www.barrons.com/visual-stories/meta-may-face-sec-investigation-over-instagram-complaints-01639067729>.

1 117. While Meta is increasing user engagement through its algorithms, infinite scroll
2 feature, and “Explore” page, it is also profiting heavily from that addictive engagement⁹³ by
3 collecting user data. Instagram, like many social media platforms, collects data from its users to
4 offer personalized experiences, deliver targeted advertisements, and generate revenue.

5 118. Meta uses the data it collects, such as users’ interests, demographics, and behavior,
6 to offer targeted advertising to its users. Advertisers can select specific criteria, such as age range
7 or interests, to reach their desired audience. By leveraging user data, including that of minors,
8 Instagram can provide advertisers with valuable targeting options and charge them accordingly. To
9 monetize this data, Instagram collects and shares 62% of user data with third parties for use in
10 marketing materials to users.⁹⁴

11 119. By gathering and analyzing user data, Meta compiles comprehensive profiles on its
12 users, encompassing numerous specific data categories. This enables advertisers to finely target
13 their marketing efforts and allocate advertising funds to precise user segments, facilitated by
14 Meta's data segmentation. Only a fraction of this data stems from user generated content intended
15 for publication or explicitly provided in user profiles. Instead, Meta covertly collects many of these
16 data segments through undisclosed surveillance of user activity, both while using and even when
17 not logged into the platform. This surveillance includes monitoring user behavior, such as tracking
18 navigation paths, watch time, and hover time, unbeknownst to the users. Essentially, as Meta’s
19 user database expands, users spend more time on the platform, and Meta extracts increasingly
20 detailed user information, resulting in greater profits for the company.

21
22
23
24
25 ⁹³ Dr. Marisa Azaret, *Why are kids so addicted to screens?*, Nicklaus Children’s Hos. (Feb.
26 19, 2024), <https://www.nicklauschildrens.org/campaigns/safesound/blogposts/why-are-kids-so-addicted-to-screens>.

27 ⁹⁴ Chris Stokel-Walker, *Instagram is sharing 79% of your personal data with third parties*,
28 Cybernews (Feb. 9, 2022), <https://cybernews.com/privacy/instagram-is-sharing-79-of-your-personal-data-with-third-parties/>.

120. Meta has long known that adolescents who used Instagram felt higher rates of anxiety and depression.⁹⁵

121. Rather than address those serious issues, Meta chose to put profits before the well-being of vulnerable youth, and made billions of dollars advancing defective products, making money off of data collected from adolescents who disclose depression symptoms and suicidal ideation via social media as well as those who attempt to help.⁹⁶

122. In this way, Meta has promoted the mental health crisis among youth users as it pushes dangerous content, popularizing posts disclosing depression symptoms and suicidal ideation as Meta understands that those posts elicit the most engagement amongst its target youth market, while suppressing and censoring avenues for youth users to receive actual help mental health crisis.⁹⁷

B. Google Makes Significant Profits Off of Its YouTube Product Resulting from Its Algorithm that Promotes Suicidal Ideation and Exposes Youth Users to Further Concerning Content

123. YouTube, a Google product,⁹⁸ allows users to watch videos online and through applications. YouTube incorporates targeted and meticulously designed functionalities that are

⁹⁵ Mehul Reuben Das, *Leaked documents reveal Meta knew Instagram was pushing girls toward content that harmed mental health*, Tech2 (Dec. 12, 2022), <https://www.firstpost.com/tech/news-analysis/leaked-documents-reveal-meta-knew-instagram-was-pushing-girls-towards-harmful-content-that-harmed-mental-health-11793621.html>.

⁹⁶ Rikki Schlott, *Mark Zuckerberg's Meta could protect teen girls but puts \$270 profit from each of them first: suit*, New York Post (Nov. 25, 2023), <https://nypost.com/2023/11/25/opinion/meta-wouldnt-risk-1-revenue-cut-to-keep-teens-from-harm/>.

⁹⁷ APA report calls on social media companies to take responsibility to protect use, American Psych. Ass'n (Apr. 16, 2024), <https://www.apa.org/news/press/releases/2024/04/social-media-companies-protect-youth>.

⁹⁸ Alphabet, Inc. 2022 Annual Report, https://abc.xyz/investor/static/pdf/2022_alphabet_annual_report.pdf ("We have always been committed to building helpful products that can improve the lives of millions of people worldwide. Our product innovations are what make our services widely used, and our brand one of the most recognized in the world. Google Services' core products and platforms include ads, Android, Chrome, hardware, Gmail, Google Drive, Google Maps, Google Photos, Google Play, Search, and YouTube, with broad and growing adoption by users around the world.").

purposely aimed at leveraging the psychological mechanisms of user behavior and gratification, with the goal of maximizing their engagement in terms of duration, frequency, and intensity.

124. YouTube was designed to be addictive. It is the most popular social platform in the United States, and over half of Internet users use it every day (36% report using it several times per day).⁹⁹

125. Many users have documented their experiences with YouTube addiction online, many comparing the product to a “drug” and commenting:

(a) “If you’ve been watching videos on the Anunnaki and ancient alien space-traveling civilizations, YouTube will show you more of where you last left off when you next click on.”¹⁰⁰

(b) “I will try out the 3 videos a day strategy, which some people here already suggested, but I don’t think I can control myself. Do you have any tips to how I can cut back on my YT usage?”¹⁰¹

(c) “I feel like I’ve tried so much putting limits on and just completely ignoring it to deleting the app and then just going on safari instead. I genuinely think YouTube is killing me and my productivity slowly I keep saying to myself one more video then next thing you know one hours gone by then two hours, then I think to myself why the fuck am I doing this to myself and I eventually forget about all the shit I’ve just watched and it’s a complete waste of time. I don’t know man I feel like I’m even replacing person to person communication with watching videos as

⁹⁹ Josh Howarth, *25 Starting Social Media Addiction Statistics (2023)*, Exploding Topics (Dec. 19, 2022), <https://explodingtopics.com/blog/social-media-addiction>.

¹⁰⁰ Domingo Cullen, *YouTube addiction: binge watching videos became my ‘drug of choice,’* Guardian (May 3, 2019), <https://www.theguardian.com/us-news/2019/may/03/youtube-addiction-mental-health>.

¹⁰¹ Reddit Post, *6 hours per day*, r/youtubeaddiction (Jan. 11, 2020) https://www.reddit.com/r/youtubeaddiction/comments/en8kx5/6_hours_per_day/.

1 in a weird way it still feels like I'm interacting with someone when I'm clearly not. I'm guessing
2 I'm semi addicted to it but has anyone got any advice, cheers."¹⁰²

3 (d) "I thought quitting weed would help but it hasn't. My addiction started with
4 adderall. I would take it and just go hour on end because every video seemed more interesting than
5 the last. It's like I get stuck in this dopamine loop that I can't get out of. I've quit all drugs for a
6 while now but I can't seem to stop. I deleted the app on my phone but eventually I just go to the
7 website. Fuck my life y'all."¹⁰³

8 126. Adolescent YouTube users are especially vulnerable to the addictive and defective
9 nature of YouTube¹⁰⁴ given the effect the product's algorithm has on their still-developing brains.
10 In a recent survey, 95% of teens said that they use YouTube, with three-quarters of them visiting it
11 at least daily, and 19% of them using it "almost constantly."¹⁰⁵ And YouTube remains the top social
12 media product that teens would not want to "live without."¹⁰⁶

13
14
15
16 ¹⁰² Reddit Post, *Semi ruining my life not gonna lie*, r/youtubeaddiction (Dec. 21, 2019),
17 https://www.reddit.com/r/youtubeaddiction/comments/edpuaq/semi_ruining_me_life_not_gonna_lie/.

18 ¹⁰³ Reddit Post, *I can't look for work because of my YouTube addiction*, r/youtubeaddiction
19 (Nov. 14, 2019), https://www.reddit.com/r/youtubeaddiction/comments/dwe9ks/i_cant_look_for_work_because_of_my_youtube/.

20 ¹⁰⁴ Sean Seddon, *Terrifying reality of YouTube addiction for children as young as four exposed*, Mirror (May 11, 2019), <https://www.mirror.co.uk/news/terrifying-reality-youtube-addiction-children-15243607>; Miah Duncan, *Why is YouTube so Addictive?*, MainStream, the Student Newspaper of Paint Branch High Sch. (Feb. 19, 2020), <https://pbmainstream.com/7836/features/why-is-youtube-so-addictive/> (notably, teens are writing in high school newspapers about YouTube addiction); James Bridle, *The nightmare videos of children's YouTube—and what's wrong with the Internet today*, TED (July 13, 2018), <https://www.youtube.com/watch?v=v9EKV2nSU8w&t=855s>.

25 ¹⁰⁵ Emily A. Vogels, *et al.*, *Teens, Social Media and Technology 2022*, Pew Rsch. Ctr. (Aug. 10, 2022), <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/>.

27 ¹⁰⁶ *The Common Sense Census: Media Use by Tweens and Teens*, Common Sense (2021),
28 https://www.common sense media.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf.

127. YouTube’s recommendation algorithm, which is built on Google’s code, takes into account user watch history and video features to recommend highly engaging videos for individual users. The end-result is a highly addictive product:

YouTube as a platform fulfills those requirements for addiction. The videos provide us with relevant information that stimulate a dopamine response. This process is constantly reinforced by consistently supplying us with more appropriately recommended videos. YouTube can also modify our behavior by carefully selecting certain videos by the means of our own perceived autonomy.¹⁰⁷

128. YouTube was purposefully designed to be addictive through its autoplay and recommendation features. Recommended videos appear on a user’s home page and next to videos in an “Up Next” display. The “Up Next” display shows limitless videos that YouTube algorithms recommend to users, designed to be addictive. As a former engineer of YouTube’s recommendation stated:

“It isn’t inherently awful that YouTube uses AI to recommend video for you, because if the AI is well tuned it can help you get what you want. This would be amazing,” [Guillaume] Chaslot told TNW. “But the problem is that the AI isn’t built to help you get what you want—it’s built to get you addicted to YouTube. Recommendations were designed to waste your time.”¹⁰⁸

129. A recent study confirmed that, while YouTube’s features can increase ease of use, they are fundamentally defective because they result in over-watching and compulsive behaviors:

Through our online diary study, we performed an in-depth analysis of UI features, specifically Autoplay and Recommendations, on popular online streaming platforms in India. We studied their impact on the user’s state of mind measuring their level of awareness and feeling of satisfaction while selecting and completing a video for watching. We also included contextual effects of individual characteristics and viewing preference as additional factors that also have a tendency to influence user behaviors. We have centered our analysis on the relation of UI interactions’ ease of use and autonomy affordability and their temporal effect on the user’s feelings, mostly over-watching and regret. We observed that although these features

¹⁰⁷ *How YouTube is Addictive—Recommendation Systems & its Impacts*, Medium (Sept. 2, 2019), <https://medium.com/dataseries/how-youtube-is-addictive-259d5c575883>.

¹⁰⁸ Már Másson Maack, ‘YouTube recommendations are toxic,’ says dev who worked on the algorithm, Next Web (June 14, 2019), <https://thenextweb.com/news/youtube-recommendations-toxic-algorithm-google-ai>.

1 enable ease of use, they enforce compulsive behaviors on long term
2 usage.¹⁰⁹

3 130. YouTube's autoplay feature is a "dark pattern," a design feature that manipulates
4 users into scrolling for as long as possible to increase interaction with the product,¹¹⁰ and thus
5 increase profits.

6 131. The result is addiction by design:

7 "But why are these tactics being used?

8 The simple answer is to keep you hooked. To the decision-makers behind
9 this, it doesn't matter if it's ethical or not. For most of them, you are just a
10 statistic, and they want you to stay on their platform, no matter what it
11 takes.

12 Some of them aren't even aware of how much damage these tactics are
13 doing. And those who are aware of this care only about the results."¹¹¹

14 132. The autoplay feature was so damaging and created such an addictive effect in
15 children that YouTube eventually disabled it for children.

16 "Autoplay is a manipulative tool used by YouTube to addict users and
17 keeps them on the platform, and kids are especially vulnerable to this,"
18 [Justin] Ruben [co-Director of ParentsTogether, a family advocacy non-
19 profit] said in a press release. "Turning off autoplay is an important step in
20 the fight to keep kids safe on the Internet, and YouTube should extend it to
21 all children's videos, even if they're watched on a parent's account on
22 YouTube."¹¹²

21 ¹⁰⁹ Akash Chaudhary, *et al.*, "Are You Still Watching?": Exploring Unintended User
22 Behaviors and Dark Patterns on Video Streaming Platforms, ACM Digit. Lib. (June 2022),
<https://dl.acm.org/doi/fullHtml/10.1145/3532106.3533562>.

23 ¹¹⁰ Kate Raynes-Goldie, Ph.D., *Dark Patterns: The Secret Sauce Behind Addictive Tech*,
24 Particle (Jan. 30, 2020), <https://particle.scitech.org.au/tech/dark-patterns-the-secret-behind-addictive-tech/>.

25 ¹¹¹ Dr. Marisa Azaret, *Why are kids so addicted to screens?*, Nicklaus Children's Hos. (Feb.
26 19, 2024), <https://www.nicklauschildrens.org/campaigns/safesound/blogposts/why-are-kids-so-addicted-to-screens>.

27 ¹¹² Devan McGuinness, *You Tube Finally Turns off Autoplay for Kids. Here's the Catch*,
28 Fatherly (Aug. 16, 2021), <https://www.fatherly.com/news/youtube-autoplay-kids>.

133. But the autoplay feature at times relevant to this Complaint continued to run even if a user was not logged into his or her account—even if that user was a child.¹¹³

134. YouTube’s decisionmakers knew that its defective design choices would create young addicts and yet made those choices specifically to make its product addictive. More than 70% of the time people spend watching videos on YouTube is driven, explicitly, by YouTube’s algorithmic recommendations.¹¹⁴ And mobile device users watch YouTube for more than 60 minutes on average because, as YouTube Chief Product Officer Neal Mohan stated, “of what [YouTube’s] recommendations engines are putting in front of” users.¹¹⁵

135. YouTube’s addictive nature is one part of its problematic design; the other is that its algorithm frequently recommends extreme and violent videos—to adults *and* adolescents, alike.¹¹⁶ Engineers at YouTube have determined that pushing users to extremities increases engagement with the platform.

136. “Engaging content” is recommended by YouTube based upon watch time—which means that the videos YouTube recommends are those which can be monetized. This might be great for a company trying to sell ads, but it doesn’t necessarily reflect what the user wants—and has grave side-effects.¹¹⁷

¹¹³ *Id.*

¹¹⁴ Casey Newton, *How YouTube perfected the feed*, Verge (Aug. 30, 2017), <https://www.theverge.com/2017/8/30/16222850/youtube-google-brain-algorithm-video-recommendation-personalized-feed>.

¹¹⁵ Joan E. Solsman, *YouTube’s AI is the puppet master over most of what you watch*, CNET (Jan. 10, 2018), <https://www.cnet.com/tech/services-and-software/youtube-ces-2018-neal-mohan/>.

¹¹⁶ Grayson Quay, *How YouTube AutoPlay Becomes Your Child’s Worst Nightmare*, FEE Stories (Apr. 4, 2019), <https://fee.org/articles/how-youtube-autoplay-becomes-your-child-s-worst-nightmare/>; Lesley McClurg, *After compulsively watching YouTube, teenage girl lands in rehab for ‘digital addiction,’* PBS (May 16, 2017), <https://www.pbs.org/newshour/health/compulsively-watching-youtube-teenage-girl-lands-rehab-digital-addiction>.

¹¹⁷ *Id.*; Már Másson Maack, *‘YouTube recommendations are toxic,’ says dev who worked on the algorithm*, TNW (June 14, 2019, 10:58 AM), <https://thenextweb.com/news/youtube-recommendations-toxic-algorithm-google-ai>.

137. The basic structure of YouTube’s recommendation algorithm may have been effective for the core types of content, such as cat videos, gaming, and music, yet as YouTube becomes more central in people’s information and news consumption, former YouTube engineers worry that will push people further to extremes—whether they want it or not—as it’s in YouTube’s financial interest to keep users watching for as long as possible.¹¹⁸

138. With the algorithm prioritizing engagement over all other matters, adolescents and children became increasingly exposed to dangerous and harmful content, which YouTube monetized for profit.¹¹⁹ YouTube has accomplished its mission—to create adolescent addicts to make money.

C. Snap Intentionally Created and Markets its Snapchat Product to Addict Young Users and Designed the Platform with Features that Expose Children, Adolescents, and Teenagers Directly to Harm

139. Snap describes itself as a camera company, and Snapchat, its primary product, allows users to send text, picture, and video messages called “snaps,” which disappear after being viewed by the recipients.¹²⁰

140. In 2014, Snap commenced displaying advertisements on Snapchat. Since then, Snap’s business model has primarily relied on generating revenue from advertising. In 2022, 70% of Snap’s revenue originated from North America, and 99% of that revenue was generated through advertising dollars.¹²¹ Snapchat generated \$4.6 billion in revenue in 2022.¹²²

¹¹⁸ *Id.*

¹¹⁹ Guillaume Chaslot, *The Toxic Potential of YouTube’s Feedback Loop*, Wired (July 13, 2019), <https://www.wired.com/story/the-toxic-potential-of-youtubes-feedback-loop/>.

¹²⁰ Dan Levin, *A Racial Slur, a Viral Video, and a Reckoning*, N.Y. Times (Dec. 26, 2020), <https://www.nytimes.com/2020/12/26/us/mimi-groves-jimmy-galligan-racial-slurs.html>.

¹²¹ Matthew Johnston, *Snapchat generates nearly all of its revenue from ads*, Investopedia (Dec. 7, 2022), <https://www.investopedia.com/articles/investing/061915/how-snapchat-makes-money.asp>.

¹²² Mansoor Iqbal, *Snapchat Revenue and Usage Statistics (2023)*, Bus. of Apps (May 2, 2023), <https://www.businessofapps.com/data/snapchat-statistics/#Snapchat%20Key%20Statistics>.

1 141. Snap deliberately targets children, adolescents, and teenagers in its marketing
2 efforts for Snapchat, exploiting their emotional and physiological underdevelopment, which
3 causes their inclination towards instant gratification, which ultimately benefits Snap’s advertising
4 business.

5 142. Snapchat’s design is carefully tailored to maximize user engagement, particularly
6 among minors. The platform employs various strategies that entice young individuals to spend
7 extended periods of time using the app.

8 143. One of the key tactics employed by Snapchat is the implementation of streaks,
9 which are endless back-and-forth exchanges of snaps between users. Streaks create a sense of
10 obligation and social pressure for users to maintain daily communication, leading to increased app
11 usage. This designed constant compulsion to keep streaks “alive” can disrupt real-life interactions,
12 impede productivity, and contribute to a sense of dependency on the platform.¹²³

13 144. Snapchat’s user interface contributes to increased engagement among minors. The
14 app utilizes a “streak counter” that displays the number of consecutive days a user has maintained
15 a streak with another user. This visual creates a designed sense of accomplishment and fuels the
16 fear of losing the streak—specifically in adolescents—compelling users to frequently check and
17 interact with the app to preserve their streaks.¹²⁴

18 145. Furthermore, Snapchat’s use of gamification features (game elements used in non-
19 game contexts), such as trophies and rewards for achieving certain milestones, encourages users
20 to continually engage with the app. By incorporating elements of competition and achievement,
21
22
23
24

25 ¹²³ Jennifer Powell-Lunder, Psy.D., *Caution: Your Tween May be Stressing Over Snap*
26 *Streaks*, Psych. Today (Mar. 26, 2017), <https://www.psychologytoday.com/us/blog/lets-talk-tween/201703/caution-your-tween-may-be-stressing-over-snap-streaks>.

27 ¹²⁴ William Antonelli, *How to start a Snapchat Streak and keep it alive to boost your Snap*
28 *Score*, Insider (Aug. 18, 2022), <https://www.businessinsider.com/guides/tech/snapchat-streak>.

1 Snapchat taps into the psychological desire for recognition and accomplishment, driving users,
2 especially minors, to dedicate considerable time and attention to the platform.¹²⁵

3 146. The detrimental effects of Snapchat's design on minors are significant. Excessive
4 usage of the platform can lead to decreased face-to-face social interactions, diminished focus on
5 academic or extracurricular activities, and a heightened risk of developing addictive behaviors.
6 Moreover, the constant exposure to carefully curated and filtered images on Snapchat can
7 contribute to feelings of insecurity and a distorted sense of reality for young users.¹²⁶

8 **D. ByteDance Intentionally Targets Vulnerable Children, Adolescents,**
9 **and Teenagers, Inducing Addictive and Compulsive Engagement on Its**
10 **TikTok Product—Maximizing Ad Revenue at the Expense of Helpless**
11 **Youth Victims**

12 147. The former president of TikTok has confirmed that the revenue model for the Social
13 Media Platform is straightforward: TikTok makes money by selling ads.¹²⁷

14 148. ByteDance designed TikTok to optimize advertising revenue. TikTok was projected
15 to receive \$11 billion in advertising revenue in 2022, over half of which is expected to come from
16 the United States.¹²⁸ Among teenage TikTok users, a quarter say they use the platform almost
17
18

19 ¹²⁵ Dayana Hristova, *et al.*, "Why did we lose our snapchat streak?" *Social media*
20 *gamification and metacommunication*, Comp. in Hum. Behavior Rep. (Mar. 2022),
<https://www.sciencedirect.com/science/article/pii/S2451958822000069>.

21 ¹²⁶ Julie Jargon, *Snapchat's Friend-Ranking Feature Adds to Teen Anxiety*, Wall St. J. (Mar.
22 30, 2024), [https://www.wsj.com/tech/personal-tech/new-snapchat-feature-teen-insecurity-](https://www.wsj.com/tech/personal-tech/new-snapchat-feature-teen-insecurity-754ebae0)
23 [754ebae0](https://www.wsj.com/tech/personal-tech/new-snapchat-feature-teen-insecurity-754ebae0); *Scientists may have figured out why Snapchat is so addictive*, TechWire Asia (Oct. 2,
2017), <https://techwireasia.com/10/2017/scientists-may-figured-snapchat-addictive/>.

24 ¹²⁷ Raymond Zhong, *TikTok's Chief Is on a Mission to Prove It's Not a Menace*, N.Y. Times
25 (Nov. 18, 2019), [https://www.nytimes.com/2019/11/18/technology/tiktok-alex-zhu-](https://www.nytimes.com/2019/11/18/technology/tiktok-alex-zhu-interview.html)
[interview.html](https://www.nytimes.com/2019/11/18/technology/tiktok-alex-zhu-interview.html).

26 ¹²⁸ Jessica Bursztynsky, *TikTok says 1 billion people use the app each month*, CNBC (Sept.
27 27, 2021), <https://www.cnn.com/2021/09/27/tiktok-reaches-1-billion-monthly-users.html>;
28 Bhanvi Staija, *TikTok's ad revenue to surpass Twitter and Snapchat combined in 2022*, Reuters
(Apr. 11, 2022), [https://www.reuters.com/technology/tiktoks-ad-revenue-surpass-twitter-](https://www.reuters.com/technology/tiktoks-ad-revenue-surpass-twitter-snapchat-combined-2022-report-2022-04-11/)
[snapchat-combined-2022-report-2022-04-11/](https://www.reuters.com/technology/tiktoks-ad-revenue-surpass-twitter-snapchat-combined-2022-report-2022-04-11/).

1 constantly.¹²⁹ In another recent report, more than 13% of young users declared they “wouldn’t
2 want to live without” TikTok.¹³⁰

3 149. The rampant growth in the number of young users and the amount of time such
4 users spend on TikTok is a result of intentional design and marketing efforts on behalf of
5 ByteDance.

6 “Teenagers in the U.S. are a golden audience,”
7 – Alex Zhu, Former TikTok President and current ByteDance
8 Product Strategist.¹³¹

9 150. Motivated by the fear of not being able to keep up with competitors’ numbers, Mr.
10 Zhu explained to *Business Insider* that businesses need to keep its adolescent users “always
11 engaged.”¹³²

12 151. To monetize a U.S. teenage audience, Mr. Zhu and ByteDance implemented a series
13 of product features designed to attract and addict young users. ByteDance has since designed and
14 coded TikTok with features that foster addictive and compulsive use by youth, leading to a cascade
15 of additional mental and physical injuries.¹³³

16 152. Mr. Zhu knew that young users were vulnerable and susceptible to compulsive use
17 of their Social Media Platform. Acting on that knowledge, TikTok employed addictive tactics in
18

19 ¹²⁹ Emily Vogels *et al.*, *Teens, Social Media and Technology 2022*, Pew Rsch. Ctr. (Aug. 10,
20 2022), www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-

21 ¹³⁰ Victoria Rideout *et al.*, *Common Sense Census: Media use by tweens and teens 2021* at 31,
22 Common Sense Media (2022), www.commonsensemedia.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf.

23 ¹³¹ Paul Mozur, *Chinese Tech Firms Forced to Choose Market: Home or Everywhere Else*,
24 N.Y. Times (Aug. 9, 2016), <https://www.nytimes.com/2016/08/10/technology/china-homegrown-internet-companies-rest-of-the-world.html>.

25 ¹³² Biz Carson, *How a failed education startup turned into Musical.ly, the most popular app*
26 *you’ve probably never heard of*, Bus. Insider (May 29, 2016), <https://www.businessinsider.com/what-is-musically-2016-5>.

27 ¹³³ Sophia Petrillo, *What Makes TikTok so Addictive?: An Analysis of the Mechanisms*
28 *Underlying the World’s Latest Social Media Craze*, Brown Undergraduate J. of Pub. Health (Dec. 13, 2021), <https://sites.brown.edu/publichealthjournal/2021/12/13/tiktok/>.

1 their design and marketing efforts, leading to rampant “engagement” of young users with its Social
2 Media Platform.¹³⁴

3 153. One of TikTok’s defining features is its “For You” page (or “FYP”), also known as
4 the “For You” feed (“FYF”). The FYP is a personalized feed of videos that TikTok’s algorithm
5 curates based on a user’s interests and interactions with the app.¹³⁵ According to ByteDance, FYP
6 is “central to the TikTok experience and where most of our users spend their time.” Also, according
7 to the Addiction Center, TikTok’s addictive nature was designed around the steady flow of content
8 that provides enjoyment, demands a user’s concentration, and distorts the perception of time.¹³⁶

9 154. ByteDance designed TikTok so users could not disable the auto-play function on the
10 FYP such that when a user opens the TikTok app or visits the TikTok website, the product
11 immediately begins playing a video on the user’s FYP. The user may request more videos with a
12 simple upward swipe, and the product will deliver an endless content stream. If a user does not
13 proceed from a video, it continues to play on an endless loop. The ability to scroll continuously
14 induces a “flow-state” and distorts users’ sense of time.¹³⁷

15 155. The TikTok interface is designed with only a limited number of buttons and sections
16 for users to navigate, such that the platform’s design does not impede “flow.”

17 156. TikTok’s FYP also leverages principles of intermittent reinforcement to encourage
18 compulsive usage, in the same fashion as Instagram Reels. A user swipes to receive the next
19 video, and each swipe offers the prospect (but not the certainty) of dopamine-releasing stimuli.
20

21
22 ¹³⁴ Adam Smith, *New study identifies ‘TikTok addiction’ and the symptoms that show users*
23 *might have it*, Independent (May 5, 2022), <https://www.independent.co.uk/tech/tiktok-addiction-symptoms-study-users-b2072116.html>.

24 ¹³⁵ Brian Feldman, *Unraveling the Mystery of the TikTok ‘For You’ Page*, N.Y. Mag., (Nov.
25 12, 2019), <https://nymag.com/intelligencer/2019/11/how-to-get-on-the-tiktok-for-you-page.html>.

26 ¹³⁶ Nadia Matta, LMSW, *TikTok Addiction*, Addiction Ctr. (May 14, 2024),
<https://www.addictioncenter.com/drugs/social-media-addiction/tiktok-addiction>.

27 ¹³⁷ Christian Montag *et al.*, *Addictive Features of Social Media/Messenger Platforms and*
28 *Freemium Games against the Background of Psychological and Economic Theories*, 16(14) Int’l
J. Env’t Rsch. & Pub. Health 2612 (July 23, 2019), <https://doi.org/10.3390/ijerph16142612>.

1 157. TikTok’s FYP creates what psychology researchers refer to as being “caught in an
2 entertainment spiral.”¹³⁸ The FYP is enhanced by ByteDance’s design of TikTok’s algorithm,
3 which determines what the user is interested in to show content they are most likely to enjoy,
4 causing a user to become engrossed in a perpetual stream of content.¹³⁹

5 158. As one industry commentator explained, TikTok uses “a machine-learning system
6 that analyzes each video and tracks user behavior so that it can serve up a continually refined,
7 never-ending stream of TikToks optimized to hold [users’] attention.”¹⁴⁰ As another commentator
8 put it, “you don’t tell TikTok what you want to see. It tells you.”¹⁴¹

9 159. Mr. Zhu has divulged that TikTok’s algorithms are “focused primarily on increasing
10 the engagement of existing users.”¹⁴² As a consequence of TikTok’s decision to focus on
11 engagement, its algorithm causes harmful and exploitative content to be amplified to the young
12 market it has cultivated and targeted.

13 160. The algorithm encourages use of the product, regardless of whether that use is
14 enjoyable or healthy—the engagement itself is the end goal.

15 161. The Center for Countering Digital Hate (“CCDH”) is a United States-headquartered
16 international nonprofit that disrupts the architecture of online hate and misinformation.¹⁴³ CCDH’s
17 researchers conducted a robust study in December 2022, in which they set up new accounts at the

18
19 ¹³⁸ Yao Kin, *et al.*, *The addiction behavior of short-form video app TikTok: The information*
20 *quality and system quality perspective*, *Frontiers Psych.* (Sept. 6, 2022),
<https://doi.org/10.3389/fpsyg.2022.932805>.

21 ¹³⁹ Nadia Matta, LMSW, *TikTok Addiction*, *Addiction Ctr.* (May 14, 2024),
22 <https://www.addictioncenter.com/drugs/social-media-addiction/tiktok-addiction>.

23 ¹⁴⁰ Jia Tolentino, *How TikTok Holds Our Attention*, *New Yorker* (Sept. 30, 2019),
<https://www.newyorker.com/magazine/2019/09/30/how-tiktok-holds-our-attention>.

24 ¹⁴¹ Drew Harwell, *How TikTok Ate the Internet*, *Wash. Post.* (Oct. 14, 2022),
<https://www.washingtonpost.com/technology/interactive/2022/tiktok-popularity/>.

25 ¹⁴² Joseph Steinberg, *Meet Musical.ly, the Video Social Network Quickly Capturing the Tween*
26 *and Teen Markets*, *Inc.* (June 2, 2016), [https://www.inc.com/joseph-steinberg/meet-musically-the-](https://www.inc.com/joseph-steinberg/meet-musically-the-video-social-network-quickly-capturing-the-tween-and-teen-m.html)
[video-social-network-quickly-capturing-the-tween-and-teen-m.html](https://www.inc.com/joseph-steinberg/meet-musically-the-video-social-network-quickly-capturing-the-tween-and-teen-m.html).

27 ¹⁴³ *Deadly by Design*, *Ctr. for Countering Digit. Hate* (Dec. 15, 2022),
28 <https://counterhate.com/research/deadly-by-design/>.

1 minimum age TikTok allows, 13 years old.¹⁴⁴ For the first 30 minutes on the app, the accounts
 2 paused briefly on videos about body image and mental health and liked them. For all other videos,
 3 researchers on the minor accounts would immediately scroll the FYF to view the next video
 4 recommended by TikTok.

5 *Within 2.6 minutes, TikTok recommended suicide content to users*
 6 *it registered as minors.*

7 *Within 8 minutes, TikTok served content related to eating*
 8 *disorders to users it registered as minors.*

9 *Every 39 seconds, TikTok recommended videos about body image*
 10 *and mental health to users it registered as minors.*¹⁴⁵

11 162. CCDH's research demonstrates how ByteDance has successfully designed its
 12 TikTok platform to bombard young users' feeds with harmful, harrowing content that has
 13 devastating cumulative impacts on young users' understanding of the world around them, and their
 14 physical and mental health.¹⁴⁶

15 163. In the context of young users, TikTok's rabbit holes are devastatingly problematic
 16 for children, adolescents, and teenagers who, due to their young age, lack the necessary impulse
 17 control required by the Social Media Platform to stop watching content that is continuously playing
 18 with little to no effort on behalf of the user. The more the user engages with TikTok by viewing
 19 content, hesitating on a particular piece of content, or without attempting to stop it, the more
 20 TikTok's algorithms learn about the user. ByteDance uses this feature to exploit the vulnerabilities
 21 of children and teenagers and addict them to its product.

22 164. TikTok identifies a young user's vulnerability and capitalizes on it. The vulnerable
 23 accounts in the CCDH study received 12 times more recommendations for self-harm and suicide
 24 videos than the standard accounts.

25 ¹⁴⁴ *Id.*

26 ¹⁴⁵ Elizabeth Germino, *TikTok pushes potentially harmful content to users as often as 39*
 27 *seconds, study says*, CBS News (Dec. 14, 2022), <https://www.cbsnews.com/news/tiktok-pushes-potentially-harmful-content-to-users-as-often-as-every-39-seconds-study/>.

28 ¹⁴⁶ *Id.*

165. In another experiment, *The Wall Street Journal* found that TikTok’s algorithm quickly pushed users down rabbit holes where they were more likely to encounter harmful content. *The Wall Street Journal* investigated how TikTok’s algorithm chose what content to promote to users by having 100 bots scroll through the FYF. Each bot was programmed with interests, such as extreme sports, forestry, dance, astrology, and animals. Those interests were not disclosed in the process of registering their accounts. Rather, the bots revealed their interests through their behaviors, specifically the time they spent watching the videos TikTok recommended to them. Consistent with TikTok’s leaked internal “Algo 101” document, *The Wall Street Journal* found that time spent watching videos was “the most impactful data on [what] TikTok serves [users].”¹⁴⁷

166. Over the course of 36 minutes in the experiment, one bot watched 224 videos, lingering over videos with hashtags for “depression” or “sad.” From then on, 93% of the videos TikTok showed this account were about depression or sadness.¹⁴⁸

167. This experience is not a rare occurrence, rather, it is what millions of young users are battling every day. Former YouTube engineer Guillaume Chaslot, who worked on the algorithm for YouTube, explained that 90% to 95% of the content users see on TikTok is based on its algorithm. “[E]ven bots with general mainstream interests got pushed to the margin as the recommendations got more personalized and narrow.” Deep in these rabbit holes, *The Wall Street Journal* found “users are more likely to encounter potential harmful content.”¹⁴⁹

168. Chaslot explained why TikTok feeds users this content:

[T]he algorithm is able to find the piece of content that you’re vulnerable to. That will make you click, that will make you watch, but it doesn’t mean you really like it. And that it’s the content that you enjoy the most. It’s just the content that’s most likely to make you stay on the platform.¹⁵⁰

¹⁴⁷ *Inside TikTok’s Algorithm: A WSJ Video Investigation*, Wall St. J. (July 21, 2021), <https://www.wsj.com/articles/tiktok-algorithm-video-investigation-11626877477>.

¹⁴⁸ *Id.*

¹⁴⁹ *Id.*

¹⁵⁰ *Id.*

169. A follow-up investigation by *The Wall Street Journal* found “that through its powerful algorithms, TikTok can quickly drive minors—among the biggest users of the app—into endless spools of content about sex and drugs.” The bots in this follow-up investigation were registered as users aged 13 to 15 and, as before, programmed to demonstrate interest by how long they watched the videos TikTok’s algorithms served them. The bots scrolled through videos that did not match their interests without pausing. The bots lingered on videos that matched any of their programmed interests. Every second the bot hesitated or rewatched a video again proved key to what TikTok recommended to the accounts, which *The Wall Street Journal* found was used to “drive users of any age deep into rabbit holes of content.”¹⁵¹

170. For example, one bot was programmed to pause on videos referencing drugs, among other topics. The first day on the platform, the “account lingered on a video of a young woman walking through the woods with a caption suggesting she was in search of marijuana.” The following day, the bot viewed a video of a “marijuana-themed cake.” The “majority of the next thousand videos” TikTok directed at the teenage account “tout[ed] drugs and drug use, including marijuana, psychedelics and prescription medication.”¹⁵²

171. TikTok similarly zeroed in on and narrowed the videos it showed accounts whether the bot was programmed to express interest in drugs, sexual imagery, or a multitude of interests. In the first couple of days, TikTok showed the bots a “high proportion of popular videos.” “But after three days, TikTok began serving a high number of obscure videos.”¹⁵³

172. For example, a bot registered as a 13-year-old was shown a series of popular videos upon signing up. The bot, which was programmed to demonstrate interest in sexual text and imagery, also watched sexualized videos.¹⁵⁴

¹⁵¹ Rob Barry, *et al.*, *How TikTok Serves Up Sex and Drug Videos to Minors*, Wall St. J. (Sept. 8, 2021), https://www.wsj.com/articles/tiktok-algorithm-sex-drugs-minors-11631052944?st=e92pu5734lvc7ta&reflink=desktopwebshare_permalink.

¹⁵² *Id.*

¹⁵³ *Id.*

¹⁵⁴ *Id.*

173. At least 2,800 of the sexualized videos that were shown to *The Wall Street Journal*'s bots were labeled as being for adults only. However, TikTok directed these videos to the minor accounts because, as TikTok told *The Wall Street Journal*, it does not “differentiate between videos it serves to adults and minors.”¹⁵⁵

174. TikTok also directed a concentrated stream of videos at accounts programmed to express interest in a variety of topics. One such account was programmed to linger over hundreds of Japanese film and television cartoons. “In one streak of 150 videos, all but four” of the videos TikTok directed at the account “featured Japanese animation—many with sexual themes.”¹⁵⁶

175. ByteDance admits that its recommendation algorithm creates a “risk of presenting an increasingly homogeneous stream of videos.” As the studies discussed and experiments demonstrate, that homogeneous stream often includes harmful content, including posts about depression, self-harm, drugs, and extreme diets.¹⁵⁷

176. The relentless stream of content intended to keep users engaged “can be especially problematic for young people” because they may lack the capability to stop watching, says David Anderson, a clinical psychologist at the nonprofit mental health care provider, The Child Mind Institute.¹⁵⁸

177. TikTok's rampant growth among youth users is enabled by the Social Media Platform's defective age verification and parental control procedures, which ByteDance designed to allow children under 13 unfettered access to its platform.

178. When a user first initiates TikTok's sign-up process, they are prompted to “Login in to TikTok” or “Sign up” for an account using a phone number or email address. TikTok then asks,

¹⁵⁵ *Id.*

¹⁵⁶ *Id.*

¹⁵⁷ *How TikTok recommends videos #ForYou*, TikTok Inc. (June 18, 2020), <https://newsroom.tiktok.com/en-us/how-tiktok-recommends-videos-for-you>.

¹⁵⁸ Tawnell D. Hobbs *et al.*, *The Corpse Bride Diet: How TikTok Inundates Teens With Eating-Disorder Videos*, Wall St. J. (Dec. 17, 2021), <https://www.wsj.com/articles/how-tiktok-inundates-teens-with-eating-disorder-videos-11639754848> (some of the accounts performed searches or sent other, undisclosed signals indicating their preferences).

1 “When’s your birthday?” In 2016, the birth date for those signing up for the platform defaulted to
 2 the year 2000 (*i.e.*, 16 years old).¹⁵⁹

3 179. ByteDance did not verify whether individuals were minors that had the consent of
 4 their parents or legal guardians to use its product. Even by 2020, TikTok still had not developed a
 5 company position on age verification.¹⁶⁰ The significant harm done as a result of TikTok’s delay
 6 has injured countless children and adolescents.

7 180. Further, for a period of time, TikTok users could circumvent TikTok’s age
 8 restrictions by using TikTok without creating an account. TikTok allows users, no matter what age,
 9 to “browse as [a] guest,” and watch TikTok’s FYP while TikTok’s algorithm collects data about
 10 that user and their viewing behavior.¹⁶¹

11 181. Until recently, ByteDance’s Trust and Safety team recognized that one of the
 12 biggest challenges it faced was determining who is a minor on its platform; ByteDance knew that
 13 millions of TikTok users were under the age of 13 and do not to report their birth dates accurately.

14 182. In 2019, the FTC acted on this admission and alleged that ByteDance failed to
 15 comply with COPPA. ByteDance settled the FTC claims, agreeing to a then-record civil COPPA
 16 penalty and several forms of injunctive relief intended to protect children who use the product.¹⁶²

17
 18
 19
 20 ¹⁵⁹ Melia Robinson, *How to Use Musical.ly, The App With 150 million Users That Teens Are*
 21 *Obsessed With*, Bus. Insider (Dec. 7, 2016), <https://www.businessinsider.com/how-to-use-musically-app-2016-12>.

22 ¹⁶⁰ Ashley Belanger, *Mourning parents asked TikTok for age verification, got maturity ratings*
 23 *instead*, Ars Technica (July 13, 2022), <https://arstechnica.com/tech-policy/2022/07/after-child-deaths-tiktok-adds-maturity-ratings-not-age-verification/>.

24 ¹⁶¹ *Browse as Guest*, TikTok Support, <https://support.tiktok.com/en/log-in-troubleshoot/log-in/browse-as-guest> (last visited May 30, 2024).

25 ¹⁶² Natasha Singer, *TikTok Broke Privacy Promises, Children’s Groups Say*, N.Y. Times (May
 26 14, 2020), <https://www.nytimes.com/2020/05/14/technology/tiktok-kids-privacy.html#:~:text=TikTok%2C%20the%20popular%20app%20for%20making%20and%20sh,a%20ring,20%20children%E2%80%99s%20and%20consumer%20groups%20said%20on%20Thursaday>.

183. To comply with the terms of the resulting settlement, ByteDance created “TikTok for Younger Users,” a “limited app experience” for users under the age of 13.¹⁶³ “TikTok for Younger Users” does not permit users to “share their videos, comment on others’ videos, message with users, or maintain a profile or followers.”¹⁶⁴ Users, however, can still “experience what TikTok is at its core” by recording and watching videos on TikTok. For that reason, experts state the app is “designed to fuel [kids’] interest in the grown-up version.”¹⁶⁵

184. Beyond these inadequate controls, children under the age of 13 can also easily delete their age-restricted accounts and sign up for an over-13 account on the same mobile device—without any restriction or verification—using a fake birthdate with ease.

185. ByteDance uses a series of interrelated design features, including those aforementioned, that exploit known mental processes to induce TikTok’s users to use the product more frequently, for more extended periods, and with more intensity (*i.e.*, providing more comments and likes).

186. As a result of ByteDance’s product design, implementation, marketing, and distribution, tribal youth have suffered severely in becoming addicted to the TikTok product, suffering mental health problems as a result.

VI. DEFENDANTS’ COLLECTIVE SCHEME TO EXPLOIT VULNERABLE WHITE MOUNTAIN APACHE YOUTH BY MISREPRESENTING THE SAFETY OF THEIR SOCIAL MEDIA PLATFORMS

A. The Social Media Defendants’ Gambit to Exploit and Addict White Mountain Apache Youth by Similar, Industry-Shared Schemes

187. The Social Media Defendants, including ByteDance, Google, Meta, and Snap, formed an association-in-fact enterprise for the purpose of deliberately addicting vulnerable young users to their platforms, in order to maximize engagement and thus maximize advertising revenues.

¹⁶³ *TikTok for Younger Users*, TikTok (Dec. 13, 2019), <https://newsroom.tiktok.com/en-us/>.

¹⁶⁴ Dami Lee, *TikTok Stops Young Users from Uploading Videos after FTC Settlement*, Verge (Feb. 27, 2019), <https://www.theverge.com/2019/2/27/18243510/tiktok-age-young-user-videos-ftc-settlement-13-childrensprivacy-law>.

¹⁶⁵ Leonard Sax, *Is TikTok Dangerous for Teens?*, Inst. Fam. Stud. (Mar. 29, 2022), <https://ifstudies.org/blog/is-tiktok-dangerous-for-teens->.

188. While social media companies are technically “competitors,” there are ways in which they collaborate that contribute to the addictive nature of their platforms for White Mountain Apache Tribe youth. This collaboration occurs through industry practices, research sharing, and the adoption of similar design strategies.

189. Social media companies often share research through academic collaborations, conferences, and trade associations, including, based upon information and belief, studies and strategies related to user engagement, retention, and optimization of products for habitual use.

190. Conferences related to human-computer interaction, engineering, and product design and development attract researchers and engineers from social media companies who present findings on user behavior, algorithm optimization, and design innovations. Insights from these gatherings influence the development of new features that increase user engagement.

191. Defendants and their employees, researchers, and former engineers discuss and publish their findings on artificial intelligence, algorithms, attention metrics, and human-computer interaction, some of which directly informs how platforms are built to engage users. By sharing this research publicly, companies allow one another to benefit from discoveries on how to keep users engaged.

192. Many of the engineers, designers, and product managers who work on addictive features at one social media company often move to others. This creates a diffusion of knowledge and best practices across the industry.¹⁶⁶

¹⁶⁶ For instance, Google hired TikTok’s North American head, Kevin Ferguson, to develop YouTube Shorts. J. Clara Chan, *TikTok Creators Turn to YouTube Shorts Amid “Insane” Subscriber Growth*, The Hollywood Reporter (Aug. 21, 2021), <https://www.hollywoodreporter.com/business/digital/tiktok-creators-youtube-shorts-amid-insane-subscriber-growth-1235002615/>; ByteDance hired Blake Chandlee, Facebook’s former VP of global partnerships, as TikTok’s new head of strategic partnerships. Chandlee spent about a decade working on Facebook’s business partnerships in Europe, Latin America and the U.S. ByteDance also hired a seven-year veteran of YouTube, Vanessa Pappas, who was previously YouTube’s global head of creative insights as TikTok’s first general manager in the U.S. See Mark Bergen, *TikTok Ramps Up Recruiting From Big Tech With Facebook Exec Hire*, Yahoo!Finance (June 12, 2019), <https://finance.yahoo.com/news/tiktok-ramps-recruiting-big-tech-204212121.html>; Jorge Ruiz is the Head of Marketing Science at TikTok, he joined TikTok in December of 2019 and was previously the Head of Agency Measurement at Facebook. Advertising

193. The Social Media Defendants exclusively control the most popular social media platforms and collectively dominate the social U.S. digital advertising market.¹⁶⁷

194. It is not a coincidence that the Social Media Defendants and each of their respective Social Media Platforms—Instagram, Facebook, TikTok, Snapchat, and YouTube—control the social media industry and all use the same exploitive business practices. Each of the Social Media Defendants and their executives maximize profits from advertising revenue by collectively engaging in the following shared practices: (1) pursuing business models that maximize the number of child users to monopolize as much of their attention as possible to generate more ad revenue; (2) suppressing knowledge that young users are uniquely susceptible to addictive features in digital products and highly vulnerable to the resulting harm; (3) implementing the same core addictive features on each platform through automated attention farming achieved by content-agnostic algorithms and recommendations fed by data about user interactions that deliberately exploit the psychology and neurophysiology of young people; (4) failing to implement effective parental controls; and (5) failing to implement age verification processes to determine users' ages, among others.

Week-New York, <https://newyork2024.advertisingweek.com/aw/schedule/speaker/-10510> (last visited Oct. 14, 2024); Aarti Bhaskaran currently leads the Global Ad Research & Insights team at Snap. Prior to joining Snap, she was a client leader at Kantar managing a portfolio that included TikTok and Snapchat. Advertising Week-New York, <https://newyork2024.advertisingweek.com/aw/schedule/speaker/-12428> (last visited Oct. 14, 2024); Patrick Harris, after nearly 12 years at Meta, joined Snap as senior VP of partnerships, and David Sommer, formerly with Meta, joins Snap's sales team as head of U.S. verticals. Todd Spangler, *Snap Hires Meta Veteran Patrick Harris as Senior VP of Partnerships*, Variety (May 1, 2023), <https://variety.com/2023/digital/news/snap-patrick-harris-meta-svp-partnerships-1235599639/>; Other former Meta execs who have joined Snap recently include VP of organic growth and product marketing, Ty Ahmad-Taylor; Doug Fraser, VP of business planning and operations; VP of product marketing Pooja Piyaratna; and Ajit Mohan, who joined Snap as president of Asia-Pacific in January 2023 after serving as Meta's VP of India, and Ronan Harris, formerly Google's VP, joined Snap as president of EMEA in late 2022. *Id.* Additionally, Darshan Kantak was recently named Snap's SVP of revenue product, after serving as Google's VP of search ads. *Id.*

¹⁶⁷ Stefan Larson, *Social Media Users 2024 (Global Data & Statistics)*, Priori Data (March 26, 2024), <https://prioridata.com/data/social-media-usage>.

195. The Social Media Defendants’ success is in significant part the result of a nearly decade-long scheme to collectively gaslight and defraud the public into believing that its products did not have detrimental effects on adolescents.¹⁶⁸ The Defendants’ association to accomplish the goals of increasing revenue via ensuring user engagement is referred to herein as the “Strategic Partnership Enterprise.”

196. The Strategic Partnership Enterprise consists of the Social Media Defendants.

197. To fully appreciate the scope of Defendants’ scheme to defraud guardians and White Mountain Apache Tribe’s youth one must understand social media and advertising market, and the role that the members of the Strategic Partnership Enterprise play as social media companies that dominate the social media and digital advertising industry.

198. Social Media Defendants sell themselves as social media companies, but their actual source of revenue is in advertising sales. Although Defendants’ platforms are ostensibly free of charge, in reality, Defendants charge users by collecting their data, which they then leverage into advertising revenue.

199. Recently, researchers at Boston Children's Hospital and Harvard University used public survey and market research data to comprehensively estimate Facebook, Instagram, Snapchat, TikTok, X (Twitter), and YouTube’s number of youth users and related advertising revenue.¹⁶⁹ They combined these estimates with market research data on advertising revenue across the platforms in simulation models to assess how much ad revenue the various platforms earned from child and adolescent users. In December 2023, the study revealed that the Social Media Defendants’ five platforms plus X (formerly known as Twitter) collectively made nearly \$11 billion in advertising revenue from U.S. users under the age of 18 in 2022. Researchers found

¹⁶⁸ See, e.g., Georgia Wells, *et al.*, *Facebook Knows Instagram Is Toxic for Teen Girls, Company Documents Show*, Wall St. J. (Sept. 14, 2021), https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739?mod=hp_lead_pos7&mod=article_inline.

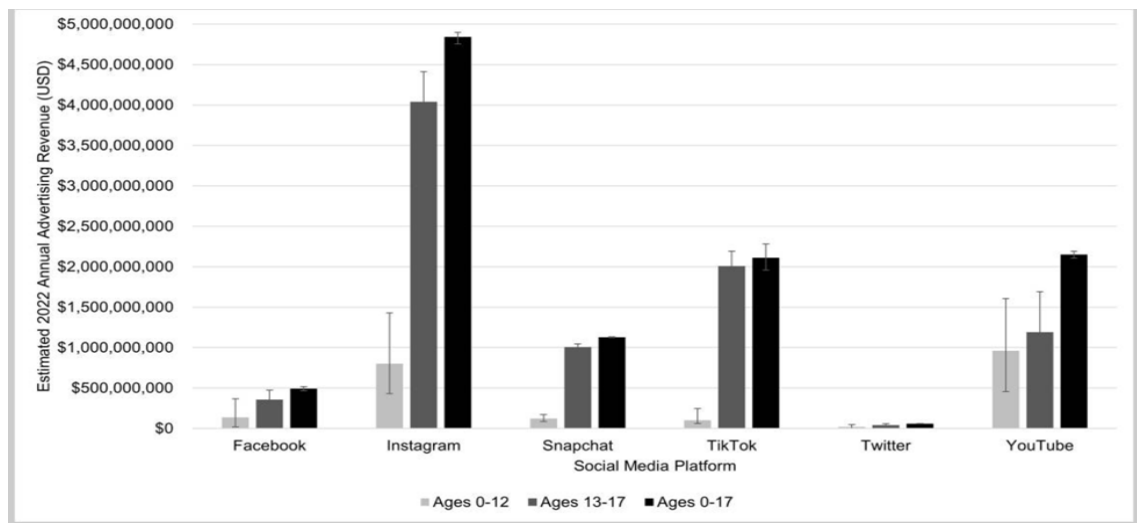
¹⁶⁹ *Kids’ Ad Revenue for Social Media*, Center for Health Decision Science (Feb. 28, 2024), <https://chds.hsph.harvard.edu/kids-ad-revenue-for-social-media/>.

1 that the Social Media Defendants’ Social Media Platforms generate substantial advertising revenue
 2 from youth, highlighting the need for “greater data transparency as well as public health
 3 interventions[.]”¹⁷⁰

4 200. The recent study illustrates the incentive behind Defendants’ platforms conscious
 5 efforts to prey on the time and attention of children who use them compulsively. Their powerfully
 6 addictive nature is intentional; each Defendant has designed, developed, produced, operated,
 7 promoted, distributed, and marketed its platforms not only to maximize the number of child users
 8 but to monopolize as much of their attention as possible.

9 201. Targeting and capturing young users is central to Defendants’ business models.
 10 Because children use Defendants’ platforms more than adults, they see more ads and, as a result,
 11 generate more ad revenue for Defendants. Young users also generate a trove of data about their
 12 preferences, habits, and behaviors. Information about their users is Defendants’ most valuable
 13 commodity. Defendants mine and commodify that data, selling to advertisers the ability to reach
 14 incredibly narrow tranches of the population, including children. Each Defendants’ platforms
 15 affect interstate and foreign commerce, and generate revenues through the distribution of those
 16 platforms at the expense of the White Mountain Apache Tribe. This exploitation of the White
 17 Mountain Apache Tribe’s youth population is central to Defendants’ profitability model.

18
 19
 20
 21
 22
 23
 24 ¹⁷⁰ Jessica Corbett, *Social Media Giants Make Billions Advertising to U.S. Kids*, Common
 25 Dreams (Dec. 27, 2023), <https://www.commondreams.org/news/social-media-and-children>; In
 26 2022, YouTube had 49.7 million U.S.-based users under age 18; TikTok, 18.9 million; Snapchat,
 27 18 million; Instagram, 16.7 million; Facebook, 9.9 million; and X, 7 million. YouTube derived the
 28 greatest ad revenue from users 12 and under (\$959.1 million), followed by Instagram (\$801.1
 million) and Facebook (\$137.2 million). Instagram derived the greatest ad revenue from users ages
 13-17 (\$4 billion), followed by TikTok (\$2 billion) and YouTube (\$1.2 billion). *See also Kids’ Ad
 Revenue for Social Media*, Ctr. for Health Decision Science Harvard T.H. Chan School of Public
 Health (Feb. 28, 2024), <https://chds.hsph.harvard.edu/kids-ad-revenue-for-social-media/>



*Estimated U.S. advertising revenue from users under 18 per social media platform.*¹⁷¹

202. In the past decade, White Mountain Apache youth's engagement with social media has grown. This explosion in usage is no accident. Defendants, through their Social Media Platforms—specifically Instagram, Facebook, TikTok, Snapchat, and YouTube—intentionally induced young people to use their platforms compulsively. Defendants deliberately embedded design features in their platforms to maximize youth engagement to drive advertising revenue. Defendants know young people are in a developmental stage that leaves them particularly vulnerable to the addictive effects of these features. Defendants target them anyway in pursuit of additional profit.

203. Defendants' choices to design, develop, produce, operate, promote, distribute, and market their Social Media Platforms in ways that are harmful to minors have generated extraordinary corporate profits—and yielded immense tragedy. The White Mountain Apache community has seen a rise in anxiety, depression, and suicidal thoughts among its youth, leading to increased delinquency and behavioral issues. Many young people struggle with time management and impulse control related to social media use, expressing fear and anxiety over online posts.

¹⁷¹ Amanda Raffoul, *et al.*, *Social media platforms generate billions of dollars in revenue from U.S. youth: Findings from a simulated revenue model*. PLoS One (Dec. 27, 2023), <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0295337>.

204. The shared “business strategy” that has enabled the Strategic Partnership Enterprise to successfully defraud vulnerable White Mountain Apache Tribe’s youth and their guardians rests on the following 6 pillars: (1) collaborative sharing of industry research and best practices; (2) coordinated fraudulent and misrepresentative efforts; (3) reliance on the same exploitive monetization model and intentionally addictive design features; (4) collective concealment and disregard for the known risks and harms associated with prolonged engagement of youth users; (5) collaborative data sharing and targeting efforts; and (6) cross-pollination of executives.

205. In order to increase advertising revenues, the Social Media Defendants engaged in, and continue to engage in, deliberately collaborative and coordinated business practices in furtherance of the Strategic Partnership Enterprise’s common purpose of maximizing engagement by making platforms addictive to vulnerable young users and misrepresenting the nature and safety of their platforms.

206. Social Media Defendants and their executives working together within the Strategic Partnership Enterprise knowingly devised a scheme to defraud vulnerable White Mountain Apache youth and their guardians by addicting vulnerable young users to their platforms thereby maximizing profits.

207. During all relevant times, the Social Media Defendants and their executives maintain complete control over their Social Media Platforms and the means by which minors are able to access and use them exclusively. Defendants control how their Social Media Platforms are designed, developed and operated, and the targeted production, promotion, distribution, and marketing of their Social Media Platforms to attract and addict minors.

B. For Years, the Strategic Partnership Enterprise Members Have Coordinated Acts to Ensure High Engagement Among White Mountain Apache Youth by Misrepresenting Platform Safety

208. The Social Media Defendants’ exploitation of and harm to children has been driven by their focus on increasing user engagement.

209. Each of the Social Media Defendants makes revenue through advertising dollars and, in order to increase that revenue, they must also increase the amount of time that individual users spend on the social media products.

210. Defendants collectively engaged in a years-long effort to hide from the public the effects of their social media products. Engineers and employees at each of Defendants’ companies knew about the risks and potential risks of addiction of the products, but did not disclose them. Instead, Defendants collectively and deliberately hid evidence of addiction and the negative impacts of the social media products, actively downplayed the risks the products posed to adolescents, or denied that the social media products had any negative impact on adolescents.

211. Nearly a decade of scientific and medical studies demonstrate that dangerous features engineered into Defendants’ platforms—particularly when used multiple hours a day – can have a “detrimental effect on the psychological health of [their] users,” including compulsive use, addiction, body dissatisfaction, anxiety, depression, and self-harming behaviors such as eating disorders.¹⁷²

212. Each Social Media Defendant has long been aware of research connecting use of their platforms with harm to its users’ well-being but chose to intentionally suppress such information.

213. The following is a partial list of misrepresentations that Social Media Defendants have made, and continue to make, about the nature and safety of their respective Social Media Platforms:

1. Meta’s Misleading and Deceptive Statements Regarding Platform Safety, the Targeting of Youth Users, and the Effects of Prolonged Engagement

214. In the year leading up to Meta’s acquisition of Instagram, Meta publicly acknowledged its duty to children and worked to create false expectations about its platforms’ safety. For example:

- Mark Zuckerberg: “So, we’re really focused on, on safety, especially children’s safety. So we’re having folks under the age of 18. . . we just take a lot of extra precautions for

¹⁷² See, e.g., Fazida Karim *et al.*, *Social Media Use and Its Connection to Mental Health: A Systemic Review*, Cureus Volume 12(6) (June 15, 2020), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7364393/>; Alexandra R. Lonergan *et al.*, Protect me from my selfie: Examining the association between photo-based social media behaviors and self-reported eating disorders in adolescence, *Int. J. of Eating Disorders* 756 (Apr. 7, 2020), <https://onlinelibrary.wiley.com/doi/epdf/10.1002/eat.23256>.

1 it, to make sure that it's just a safe environment for them. . . to use this service that you
 2 know, the default for, for people sharing things isn't that they're sharing with everyone
 3 but that they're sharing with a smaller community. . . . *We really try to build a safe*
 4 *environment. . . . That's gonna be the key long term. . . . Right, and they, they feel like*
 5 *Facebook is this really secure place* and that it's a hundred percent safe, and . . . we're
 6 always thinking about little and big things like that that we can do to keep it safe for,
 7 for the people who use our service."¹⁷³ (emphasis added)

8 215. Following Meta's acquisition of Instagram, high-ranking executives continued to
 9 make public pronouncements about the safety of Meta's platforms, including, but not limited to,
 10 the following statements:

- 11 • Mark Zuckerberg: "Congressman, we have a number of measures in place to protect
 12 minors specifically. We make it so that adults can't contact minors who they. . . they
 13 aren't already friends with. We make it so that certain content that may be
 14 inappropriate for minors, we don't show."¹⁷⁴
- 15 • Mark Zuckerberg: "There are really two core principles at play here. There's giving
 16 people a voice, so that people can express their opinions. Then, there's keeping the
 17 community safe, which I think is really important."¹⁷⁵
- 18 • Mark Zuckerberg: "Looking ahead, we will continue to invest heavily in security
 19 and privacy because we have a responsibility to keep people safe. But as I've said
 20 on past calls, we're investing so much in security that it will significantly impact
 21 our profitability."¹⁷⁶
- 22 • Mark Zuckerberg: "[W]e have a responsibility to keep people safe on our
 23 services."¹⁷⁷

173 Mark Zuckerberg at BYU with Orrin Hatch, Part 1 (2011),
 19 <https://www.youtube.com/watch?v=zRsbW0mmvNo>.

174 *Transcript of Zuckerberg's appearance before House committee*, Wash. Post (Apr. 11,
 21 2018), [https://www.washingtonpost.com/news/the-switch/wp/2018/04/11/transcript-of-](https://www.washingtonpost.com/news/the-switch/wp/2018/04/11/transcript-of-zuckerbergs-appearance-before-house-committee/)
 22 [zuckerbergs-appearance-before-house-committee/](https://www.washingtonpost.com/news/the-switch/wp/2018/04/11/transcript-of-zuckerbergs-appearance-before-house-committee/).

175 Kara Swisher, *Zuckerberg: The Record Interview*, Vox (July 12, 2018),
 23 [https://www.vox.com/2018/7/18/17575156/mark-zuckerberg-interview-facebook-recode-](https://www.vox.com/2018/7/18/17575156/mark-zuckerberg-interview-facebook-recode-karaswisher)
 24 [karaswisher](https://www.vox.com/2018/7/18/17575156/mark-zuckerberg-interview-facebook-recode-karaswisher).

176 *Facebook, Inc., Second Quarter 2018 Results Conference Call* (July 25, 2018),
 25 [https://s21.q4cdn.com/399680738/files/doc_financials/2018/Q2/Q218-earnings-call-](https://s21.q4cdn.com/399680738/files/doc_financials/2018/Q2/Q218-earnings-call-transcript.pdf)
 26 [transcript.pdf](https://s21.q4cdn.com/399680738/files/doc_financials/2018/Q2/Q218-earnings-call-transcript.pdf).

177 Mark Zuckerberg, Facebook (Nov. 15, 2018),
 27 <https://www.facebook.com/notes/markzuckerberg/a-blueprint-for-content-governance-and->
 28

- 1 • Sheryl Sandberg: “[We] have to keep people safe and give them control over their
2 experience on our apps. And we are.”¹⁷⁸
- 3 • Sheryl Sandberg: “While we continue to invest in helping businesses, we are
4 equally focused on keeping our platform safe.”¹⁷⁹
- 5 • Mark Zuckerberg: “[W]e certainly do not design [Facebook] in that way [to be
6 addictive].”¹⁸⁰
- 7 • Meta: Answering that it was unable to “determine whether increased use of their
8 platform among teenage girls has any correlation with increased signs of
9 depression” and unable to “determine whether increased use of its platform among
10 teenage girls has any correlation with increased signs of self-harm[.]”¹⁸¹
- 11 • Mark Zuckerberg: “I don’t believe [that Facebook harms children]. This is
12 something that we study and we care a lot about; designing products that improve
13 peoples’ well-being is very important to us. And what our products do is help people
14 stay connected to people they care about, which I think is one of the most
15 fundamental and important human things that we do, whether that’s for teens or for
16 people who are older than that.”¹⁸²

17 [enforcement/10156443129621634/](https://www.washingtonpost.com/opinions/mark-zuckerberg-the-internet-needs-new-rules-lets-start-in-these-four-areas/2019/03/29/9e6f0504-521a-11e9-a3f7-78b7525a8d5f); Mark Zuckerberg, *Mark Zuckerberg: The Internet needs new*
18 *rules. Let’s start in these four areas*, Wash. Post (Mar. 30, 2019),
19 [https://www.washingtonpost.com/opinions/mark-zuckerberg-the-internet-needs-new-rules-lets-](https://www.washingtonpost.com/opinions/mark-zuckerberg-the-internet-needs-new-rules-lets-start-in-these-four-areas/2019/03/29/9e6f0504-521a-11e9-a3f7-78b7525a8d5f)
20 [start-in-these-four-areas/2019/03/29/9e6f0504-521a-11e9-a3f7-78b7525a8d5f](https://www.washingtonpost.com/opinions/mark-zuckerberg-the-internet-needs-new-rules-lets-start-in-these-four-areas/2019/03/29/9e6f0504-521a-11e9-a3f7-78b7525a8d5f).

21 ¹⁷⁸ Meta Investor Relations, *Earnings Call Transcript*, Meta (Jan. 29, 2020),
22 [https://s21.q4cdn.com/399680738/files/doc_financials/2019/q4/Q4'19-FB-Earnings-Call-](https://s21.q4cdn.com/399680738/files/doc_financials/2019/q4/Q4'19-FB-Earnings-Call-Transcript.pdf)
23 [Transcript.pdf](https://s21.q4cdn.com/399680738/files/doc_financials/2019/q4/Q4'19-FB-Earnings-Call-Transcript.pdf).

24 ¹⁷⁹ Meta Investor Relations, *Earnings Call Transcript*, Meta (Oct. 29, 2020),
25 [https://s21.q4cdn.com/399680738/files/doc_financials/2020/q3/FB-Q3-2020-Earnings-Call-](https://s21.q4cdn.com/399680738/files/doc_financials/2020/q3/FB-Q3-2020-Earnings-Call-Transcript.pdf)
26 [Transcript.pdf](https://s21.q4cdn.com/399680738/files/doc_financials/2020/q3/FB-Q3-2020-Earnings-Call-Transcript.pdf).

27 ¹⁸⁰ *Breaking the News: Censorship, Suppression, and the 2020 Election: Hearing Before the*
28 *S. Comm. on the Jud.*, 116 Cong. (2020) (Statement of Mark Zuckerberg); *see also* *CEO Mark*
Zuckerberg on Whether Products are Addictive: “We Certainly Do Not Design the Product in that
Way,” The Recount, (Nov. 17, 2020), [https://therecount.com/watch/facebook-ceo-mark-](https://therecount.com/watch/facebook-ceo-mark-zuckerbergon/2645864077)
[zuckerbergon/2645864077](https://therecount.com/watch/facebook-ceo-mark-zuckerbergon/2645864077).

¹⁸¹ *Facebook, Inc. Responses to Questions for the Record from the Comm. on the Judiciary*
November 17, 2020 Hearing: Breaking the News: Censorship, Suppression, and the 2020 Election,
at 124-125 (Dec. 23, 2020),
<https://www.judiciary.senate.gov/imo/media/doc/Zuckerberg%20Responses%20to%20QFRs.pdf>

¹⁸² *Disinformation Nation: Social Media’s Role in Promoting Extremism and Misinformation*
Hearing Before H. Energy and Commerce Subcomm. on Communications and Technology (March

- 1 • David Wehner, Chief Financial Officer of Meta: “[M]ore than anyone else in the
2 industry, we invest on the safety and security side to sort of keep bad content off
3 the site before it gets ranked and put into what people see. So we’ve got. . . over
4 35,000 people on the safety and security side. We’ve got the most robust set of
5 content policies out there. We do a quarterly call, public call around our content
6 review process and procedures. So I think that on the front, before it even gets into
7 the algorithm, I think we really do more than anyone else in the industry on the
8 safety and security front to prevent things like misinformation and a bad content
9 going into the system in the first place.”¹⁸³
- 10 • Adam Mosseri, Head of Instagram: Dismissing concerns around Instagram’s
11 negative impact on teens as “quite small,” even though the company conducted a
12 thorough and deep dive into teen mental health.¹⁸⁴
- 13 • Adam Mosseri: “I don’t believe that research suggests that our products are
14 addictive.”¹⁸⁵

15 216. In addition, Meta has launched advertising campaigns designed to encourage more
16 children to use its platforms—by touting the purported safety of those platforms.

17 217. As an example of advertising promoting use by children, a Meta 2021 online
18 advertisement actively highlighted the posts available for fifth grade children on its Facebook
19 platform, highlighting the experience of an art teacher who used Facebook to communicate with
20 students during the pandemic—an experience the video noted was “a lot to unpack for little, tiny
21 people.”

22 25, 2021), [https://www.congress.gov/117/meeting/house/111407/documents/HHRG-117-IF16-
23 Transcript-20210325.pdf](https://www.congress.gov/117/meeting/house/111407/documents/HHRG-117-IF16-Transcript-20210325.pdf).

24 ¹⁸³ Meta Investor Relations, *Earnings Call Transcript*, Meta (Apr. 28, 2021),
25 [https://investor.fb.com/investor-events/event-details/2021/Facebook-Q1-2021-Earnings-
26 /default.aspx](https://investor.fb.com/investor-events/event-details/2021/Facebook-Q1-2021-Earnings-/default.aspx).

27 ¹⁸⁴ Taylor Hatmaker, *Facebook Knows Instagram Harms Teens. Now its Plan to Open the App
28 to Kids Looks Worse than Ever*, TechCrunch (Sept. 16, 2021),
<https://techcrunch.com/2021/09/16/facebook-instagram-for-kids-mosseri-wsj-teen-girls/>.

¹⁸⁵ U.S. Senate Committee on Commerce, Science & Transportation, Hearing, Subcommittee:
Protecting Kids Online: Facebook, Instagram, and Mental Health Harms (Sept. 30, 2021),
[https://www.commerce.senate.gov/2021/9/protecting-kids-online-facebook-instagram-and-
mental-health-harms](https://www.commerce.senate.gov/2021/9/protecting-kids-online-facebook-instagram-and-mental-health-harms).

218. Meta’s misstatements came to a head when Frances Haugen, a former Facebook product manager, began publishing Meta’s internal documents that she leaked to *The Wall Street Journal*, which revealed alarming issues concerning the mental health effects that Facebook was having on teens.¹⁸⁶

219. The documents are disturbing. They reveal that, according to Meta’s researchers, 13.5% of U.K. girls reported more frequent suicidal thoughts, and 17% of teen girls reported worsening eating disorders after starting to use Instagram.¹⁸⁷ Over 40% of Instagram users who reported feeling “unattractive” said that feeling began while using Instagram,¹⁸⁸ and 32% of teen girls who already felt bad about their bodies felt even worse because of the app.¹⁸⁹

220. Internal Meta presentations from 2019 and 2020 were transparent in their conclusions about the harms caused by Instagram: “We make body image issues worse for one in three teen girls.” “Mental health outcomes related to this can be severe.” “Aspects of Instagram exacerbate each other to create a perfect storm.”¹⁹⁰

¹⁸⁶ The Facebook Files: A *Wall Street Journal* Investigation, Wall St. J., available at <https://www.wsj.com/articles/the-facebook-files-11631713039?mod=bigtop-breadcrumb>.

¹⁸⁷ Morgan Keith, *Facebook’s Internal Research Found its Instagram Platform Contributes to Eating Disorders and Suicidal Thoughts in Teenage Girls*, Whistleblower Says, Insider (Oct. 3, 2021), <https://www.businessinsider.com/facebook-knows-data-instagram-eating-disorders-suicidalthoughts-whistleblower-2021-10>.

¹⁸⁸ Georgia Wells, Jeff Horwitz, Deepa Seetharaman, *Facebook Knows Instagram is Toxic for Teen Girls*, *Company Documents Show*, Wall St. J. (Sept. 14, 2021), <https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-companydocuments-show-11631620739>; Facebook Staff, *Teen Girls Body Image and Social Comparison on Instagram—An Exploratory Study in the U.S.* 9 (Mar. 26, 2020), <https://s.wsj.net/public/resources/documents/teen-girls-body-image-and-social-comparison-oninstagram.pdf>.

¹⁸⁹ Billy Perrigo, *Instagram Makes Teen Girls Hate Themselves. Is That a Bug or a Feature?*, Time (Sept. 16, 2021), <https://time.com/6098771/instagram-body-image-teen-girls/>.

¹⁹⁰ Georgia Wells, Jeff Horwitz, Deepa Seetharaman, *Facebook Knows Instagram is Toxic for Teen Girls*, *Company Documents Show*, Wall St. J. (Sept. 14, 2021), <https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-companydocuments-show-11631620739>; *Teen Girls Body Image and Social Comparison on Instagram—An Exploratory Study in the U.S.*, Wall St. J. (Sept. 29, 2021),

221. Yet, publicly, Meta only continues to hide the harms its platforms cause. On November 7, 2023, a second Meta whistleblower testified before a Senate subcommittee about the ways in which Meta has failed to act to protect its teenage users. Arturo Bejar, a former Facebook engineering director and Instagram consultant, testified that Meta leadership was aware of prevalent harms to its youngest users but declined to take adequate action in response. Bejar testified that he informed Chief Product Officer Chris Cox of research into platform harms to teens and that Cox acknowledged he was already aware of the statistics. Bejar found this response “heartbreaking because it meant that they knew it and they were not acting on it.”¹⁹¹

2. Snap’s Misleading and Deceptive Statements Regarding Platform Safety, the Targeting of Youth Users, and the Effects of Prolonged Engagement

222. Snap’s Vice President of Global Public Policy, Jennifer Stout, stated in written testimony to a Senate Subcommittee that Snap takes “into account the unique sensitivities and considerations of minors when we design products”¹⁹² when, in fact, Snap intentionally designed its platform to promote compulsive and excessive use and help underage users conceal information from their parents.

223. Snapchat’s Terms of Service state its services are not directed to children under the age of 13 and that users must “confirm” that they are 13 or older to create an account.¹⁹³ Snap’s Terms of Service outline the following safety measures relating to age-appropriate use: (1) “Registration requires a date of birth,” (2) Snap reports that “registration fails if a user is under the

<https://s.wsj.net/public/resources/documents/teen-girls-body-image-and-social-comparison-oninstagram.pdf>.

¹⁹¹ Lauren Feiner, *Meta Failed to Act to Protect Teens, Second Whistleblower Testifies*, CNBC (Nov. 7, 2023), <https://www.cnbc.com/2023/11/07/meta-failed-to-act-to-protect-teens-secondwhistleblower-testifies.html>.

¹⁹² Snap’s Senate Congressional Testimony—Our Approach to Safety, Privacy and Wellbeing (Oct. 26, 2021), <https://values.snap.com/news/senate-congressional-testimony-our-approach-to-safety-privacy-and-wellbeing?lang=en-US>.

¹⁹³ Snapchat Terms of Service, “Who can use the services,” <https://snap.com/en-US/terms>, (last visited Oct. 14, 2024).

age of 13 years”; (3) “If Snap is made aware that a Snapchat user is under the age of 13 years by a user, a parent or law enforcement report, Snap terminates the account and deletes the user’s data”; (4) “Snap prevents a user ages 13 to 17 years old from updating their year of birth to an age over 18 years.”

224. Snap and its executives repeatedly make statements intended to reassure users, advertisers paying to reach those users, and guardians that it is a safe product.

225. Snap has long known several pieces of information to be true: Snaps are incredibly addictive,¹⁹⁴ and that its platform is used by many, many teenagers.¹⁹⁵

226. Snap has attempted to distance itself from other social media companies by suggesting that its product is less addictive than others. In 2024, it released an advertisement calling for “less social media,” and “more Snapchat.”

Finally, Snapchat claims that, unlike other apps, it doesn’t pressure users to endlessly scroll through content or waste time on the app. This is also completely false. The already-mentioned stories page contains a bottomless feed with an algorithm meant to pump out the content its users want. Snapchat was impressively lying, not just once, but twice here. The spotlight feature, released in 2020, provides yet another TikTok-like feed of short videos designed to keep its users on the app.¹⁹⁶

227. In an early 2024 memo, Snap’s CEO Evan Spiegel touted, “We’re certainly far from perfect, but while our competitors are connecting pedophiles . . . we know that Snapchat makes people happy.”¹⁹⁷

¹⁹⁴ See, e.g., Victor Luckerson, *How Snapchat Built its Most Addictive Feature*, Time (Sept. 25, 2015), <https://time.com/4049026/snapchat-live-stories/>.

¹⁹⁵ *What this Week’s Snapchat Updates Mean for Human Trafficking Prevention*, PBJ Learning, (Jan. 21, 2022), <https://love146.org/snapchat-updates/>.

¹⁹⁶ Josh Siatkowski, *Don’t be fooled by Snapchat’s latest ad: Media Companies want you addicted*, Baylor Lariat (Feb. 19, 2024), <https://baylorlariat.com/2024/02/19/dont-be-fooled-by-snapchats-latest-ad-media-companies-want-you-addicted/>.

¹⁹⁷ Kali Hays, *Evan Spiegel Proclaims ‘Social Media Is Dead,’ and Predicts Snap Is About to ‘Transcend’ the Smartphone, While Lashing Out at Rivals*, Entrepreneur.com (Jan. 16, 2024), <https://www.entrepreneur.com/business-news/snapchat-ceo-evan-spiegel-social-media-is-dead-snap-is-not/468397>.

228. Snap’s executives touted the safety of its platform, and how its product was designed to enhance the safety of minors.¹⁹⁸ However, Snap has done little—if anything—to address how its ephemeral content-machine is addictive, prevents teens from “living in the moment,” and leads to social isolation and mental health issues.

229. Snap’s platform, in truth, and as is well known to Snap, is in many ways more harmful than other forms of social media, including by fostering negative mental health outcomes among young people and because the product was manifestly designed to addict young people and force them to repeatedly check the service in fear of “missing out” on Snap’s hallmark disappearing content.

3. Google’s Misleading and Deceptive Statements Regarding Platform Safety, the Targeting of Youth Users, and the Effects of Prolonged Engagement with YouTube

230. Google knows that children and teenagers use YouTube in greater proportions than older demographics. YouTube now ranks as the world’s most popular social media product for minors. According to one recent report, more than 95% of children ages 13-17 have used YouTube.¹⁹⁹ Nearly 20% of U.S. teens use YouTube almost constantly.²⁰⁰ Among U.S. teenagers who regularly use social media, 32% “wouldn’t want to live without” YouTube.²⁰¹

231. YouTube’s age controls are defective (or non-existent, since registration is not required to watch most videos). In addition, Google has developed and marketed a version of

¹⁹⁸ Snap’s Senate Congressional Testimony—Our Approach to Safety, Privacy and Wellbeing (Oct. 26, 2021), <https://values.snap.com/news/senate-congressional-testimony-our-approach-to-safety-privacy-and-wellbeing?lang=en-US>.

¹⁹⁹ Emily Vogels et al., Teens, Social Media and Technology 2022, Pew Rsch. Ctr. (Aug. 10, 2022), <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022>.

²⁰⁰ *Id.*

²⁰¹ Victoria Rideout et al., Common Sense Census: Media Use by Tweens and Teens, 2021 at 31, Common Sense Media (2022), https://www.commonsensemedia.org/sites/default/files/research/report/8-18-census-integratedreport-final-web_0.pdf.

1 YouTube, YouTube Kids, explicitly targeted at children under 13. Google developed this product
2 to encourage early—and therefore lasting—adoption of YouTube by children.

3 232. Google knows that a robust and committed base of young users is key to
4 maximizing advertising revenue. Indeed, it has aggressively touted its hold on child users to
5 advertisers. In 2014, for example, Google pitched its YouTube product to Hasbro, a popular toy
6 manufacturer, and specifically boasted of the product’s immense popularity among children,
7 noting that it was “unanimously voted as the favorite website of kids 2-12” and that “93% of
8 tweens” use the product.²⁰²

9 233. Google leveraged YouTube’s popularity among children with toy manufacturers to
10 convince companies to display advertisements on its website. And for good reason: Google collects
11 troves of data on children in order to display the most relevant advertisements to them. The longer
12 Google can hold children’s attention, the more data it can collect, and the more targeted
13 advertisements it can display to children. Google’s revenue machine has been so effective that in
14 2023, YouTube’s global advertising revenues surpassed \$31 billion.²⁰³

15 234. Google has boasted that YouTube is “today’s leader in reaching children ages 6-
16 11,” “the new Saturday Morning Cartoons,” and “unanimously voted as the favorite website of
17 kids 2-12.”²⁰⁴

18
19
20 ²⁰² Complaint for Permanent Injunction, Civil Penalties, and Other Equitable Relief, *FTC v.*
21 *Google LLC et al.*, No. 1-19-cv-02642-BAH, at 6 (D.D.C. Sept. 4, 2019) Dkt. No. 1-1.
22 https://www.ftc.gov/system/files/documents/cases/youtube_complaint_exhibits.pdf; Google and
23 YouTube Will Pay Record \$170 Million for Alleged Violations of Children’s Privacy Law, FTC
(Sept. 4, 2019), <https://www.ftc.gov/news-events/news/pressreleases/2019/09/google-youtube-will-pay-record-170-million-alleged-violations-childrensprivacy-law> (“YouTube touted its
popularity with children to prospective corporate clients,” said FTC Chairman Joe Simons).

24 ²⁰³ *YouTube advertising and marketing in the United States*, Statista (Aug. 20, 2024),
25 <https://www.statista.com/topics/12644/youtube-advertising-and-marketing-in-the-united-states/>.
26 See also *Social media platforms generate billions in annual ad revenue from U.S. youth*, Harvard
T.H. Chan School of Public Health (Dec. 27, 2023), <https://www.hsph.harvard.edu/news/press-releases/social-media-platforms-generate-billions-in-annual-ad-revenue-from-u-s-youth/>.

27 ²⁰⁴ Complaint for Permanent Injunction, Civil Penalties, and Other Equitable Relief, *FTC v.*
28 *Google LLC et al.*, No. 1-19-cv-02642-BAH, at 3,12, and 6-7 (D.D.C. Sept. 4, 2019) Dkt. No. 1-
1. https://www.ftc.gov/system/files/documents/cases/youtube_complaint_exhibits.pdf.

235. With Google’s hypnotic ability to attract and hold rapt the attention of youth, child safety is paramount. Google maintains that YouTube is a safe place for children, stating that its guidelines prohibit images, videos, and comments that put children at risk, it places age restrictions on videos, and that customers will not encounter violent or dangerous content on the platform through various terms.

236. Google intentionally downplayed the dangers that children faced using their platform—both from an addiction standpoint and from the dangerous content that children were exposed to on the website—by comparing YouTube to “more like a library.”²⁰⁵

237. Google has also represented that it “added a measure of ‘social responsibility’ to its recommendation algorithm” to ensure that “engagement” was not prioritized by promoting offensive or violent videos.²⁰⁶

238. Leslie Miller, Vice President, YouTube Government Affairs & Public Policy, even represented in 2021 that Google had hired teams of “experts who come from child development, child psychology and children’s media backgrounds. They work closely with the product teams to ensure that product design reflects an understanding of children’s unique needs and abilities and how they evolve over time. [They] also work extensively with external experts in online safety, content quality, mental health, trauma, digital literacy and child development; this collaboration is essential to ensure we have the best information and evidence available to address new and emerging challenges kids may face online.”²⁰⁷

239. Google was warned—numerous times by its employees and/or users—that it created an “addiction machine” through its algorithm of promoting more and more outrageous

²⁰⁵ Mark Bergen, *YouTube executives ignored warnings, letting toxic videos run rampant*, Denver Post (Apr. 6, 2019), <https://www.denverpost.com/2019/04/06/youtube-rules-conspiracy-theories-misinformation/>.

²⁰⁶ *Id.*

²⁰⁷ See Leslie Miller, VP Government Affairs & Public Policy, YouTube—WorldPressFreedomDay Conference 2021, <https://youtu.be/9CY-iWe99Ac?si=uSTxtVknjj7Adls6>.

1 videos. But instead of addressing the problem, it made it worse: creating a new algorithm that
2 promoted videos that achieved popularity by outrage.²⁰⁸

3 240. Google also proactively dissuaded staff from being proactive, discouraging them
4 from engaging in any form of content moderation to protect individuals from seeing offensive
5 content.²⁰⁹

6 241. Google has been warned by lawmakers that its product is addictive, as well. The
7 Congressional Subcommittee on Economic and Consumer Policy wrote the following in its request
8 for information about the YouTube Kids program:

9 We also are concerned by the amount of time children are spending on your
10 platform. YouTube Kids continues to utilize recommendation algorithms
11 “based on watch and search history.” And unlike on traditional YouTube,
12 YouTube Kids auto-plays new videos without warning, with no option to
13 turn off the feature. This places the onus on the child to stop their viewing
14 activity, rather than providing a natural break or end point. Without that
15 natural stopping point, children are likely to continue watching for long
16 periods of time. The optional timer tool on your platform can be helpful but
17 is not a substitute for addressing the underlying reasons children are drawn
18 to stay on your platform for long periods of time, including auto-play.

19 Studies have shown that too much screen time for preschool-aged children
20 can lead to damage in the regions of the brain related to literacy, language
21 processing, and speech. AAP found that children spend a shocking average
22 of seven hours per day on entertainment media. By contrast, the American
23 Academy of Child & Adolescent Psychiatry recommends that parents,
24 “limit non-educational screen time to about 1 hour per weekday and 3 hours
25 on the weekend days.” In addition to the threat of harm to children’s
26 development, too much screen time can cause sleep problems, mental health
27 issues, and obesity in children and young adults. YouTube Kids’ potentially
28 addictive qualities also appear to be interfering with the regular course of
education, especially during the pandemic. From 2019 to 2020, as YouTube
usage increased 22%, one-third of parents reported that their children are
distracted from remote learning by YouTube and apps like it.

As many parents know, YouTube Kids can be a useful tool to pacify and
entertain children—and, we wish, to educate. However, YouTube appears
to be exploiting children by serving them a non-stop stream of low-quality,

208 *Id.*

209 *Id.*

commercial content. More must be done to protect children from exposure to marketing and too much screen time.²¹⁰

242. YouTube’s addiction machine uses algorithmic modeling to push more and more extreme videos upon children, who become fixated upon the outrageous content. Children are then fed an endless stream of videos showing violence, sexualized content, and dangerous “challenge” videos,²¹¹ all which harm youth and cause them to use the product excessively.

243. Google has known of these harms, but has purposefully turned a blind eye to them, instead focusing parents on vague terms and conditions and newer, performative efforts to use artificial intelligence to remove content depicting harm. These efforts, however, do not address the problem. YouTube omits from its representations to consumers the fact that the burden is actually placed on the consumer—and often on the families of victims of violence—to police and secure the removal of violent or dangerous content on the platform. “In the rush to expand its advertising empire to preschoolers, Google has made promises about the content on YouTube Kids that it is incapable of keeping,” said Josh Golin, Associate Director of Campaign for a Commercial-Free Childhood. “As a parent, I was shocked to discover that an app that Google claims is safe for young children to explore includes so much inappropriate content from the Wild West of YouTube.”²¹²

244. Google prioritized increasing engagement over children’s safety, and turned a blind eye when it received warnings about how its addicting product was harming children, even

²¹⁰ Ltr. From Rep. Carolyn B. Maloney, Chairwoman, House of Representatives Committee on Oversight and Reform, to Susan Wojcicki, Chief Executive Officer, YouTube (Apr. 6, 2021), <https://oversightdemocrats.house.gov/sites/evo-subsites/democratoversight.house.gov/files/2021-04-06.RK%20to%20Wojcicki-YouTube%20re%20YouTube%20Kids%20Content.pdf>.

²¹¹ Jessica Schrader, *Dangerous ‘You Tube Challenges’ and Kids: How Parents Can Avoid Tragedy*, Metro Parent (Aug. 19, 2019), <https://www.metroparent.com/parenting/advice/dangerous-youtube-challenges-kids-parents-can-avoid-tragedy/>; Alexis C. Madrigal, *Raised by YouTube*, The Atlantic (Nov. 2018), <https://www.theatlantic.com/magazine/archive/2018/11/raised-by-youtube/570838/>.

²¹² *Advocates Charge Google with Deceiving Parents about Content on YouTube Kids*, Center for Digital Democracy (May 19, 2015), <https://democraticmedia.org/filings/advocates-charge-google-deceiving-parents-about-content-youtube-kids>.

1 suppressing information and instead directing the public toward initiatives that did little to help
2 children, but which were actually designed so as to not hurt earnings and maintain the status quo.

3 **4. TikTok’s Misleading and Deceptive Statements and**
4 **Announcements Regarding Platform Safety, the Targeting of**
5 **Youth Users, and the Effects of Prolonged Engagement**

6 245. TikTok continually misrepresents its platform as “safe,” “appropriate for children
7 and teenagers,” and that safety is its “top priority.” It also misrepresents the effectiveness of built-
8 in features designed to combat addictive use and harms, including parental controls, community
9 standards, and age verification.²¹³ TikTok further misrepresents the extent to which the platform is
10 directed to children under 13 years old.

11 246. Despite knowing that TikTok is harmful to and inappropriate for young users,
12 TikTok represents that the platform is “safe,” “appropriate for children and teenagers,” and that
13 safety is its “top priority.”

14 247. On TikTok’s website, it falsely represents:

15 • “We care deeply about your well-being and seek to be a source of happiness,
16 enrichment, and belonging. . . . We work to make sure this occurs in a supportive space that does
17 not negatively impact your physical or psychological health.”²¹⁴

18 • “Creating a welcoming environment where everyone feels safe and comfortable is
19 our highest priority.”²¹⁵

20
21
22
23
24 ²¹³ *TikTok*, App Store, <https://apps.apple.com/us/app/tiktok/id835599320> (last visited Oct. 6, 2024).

25 ²¹⁴ *TikTok*, Mental and Behavioral Health (May 17 2024),
26 <https://www.tiktok.com/community-guidelines/en/mental-behavioral-health?cgversion=2024H1update>.

27 ²¹⁵ *TikTok*, Safety Principles (Sept. 27, 2024), https://www.tiktok.com/safety/en/our-approach-to-safety?sc_version=2024.
28

1 • “We are deeply committed to TikTok being a safe and positive experience for
2 people under the age of 18” It goes onto say “We do not allow content that may put young
3 people at risk of psychological, physical, or developmental harm.”²¹⁶

4 • “We have a vibrant and inspiring community on TikTok, and it’s important that our
5 platform remains a safe, supportive, and joyful place for our community.”²¹⁷

6 248. Additionally, the Chief Executive Officer of TikTok, Shou Chew, has publicly made
7 the following misrepresentative statements:

8 • On March 23, 2023, CEO Shou Chew, who previously explained that he is
9 “responsible for all the strategic decisions at TikTok,” stated in written testimony before the U.S.
10 House Committee on Energy and Commerce that “Safety and wellness—in particular for teens—
11 is a core priority for TikTok.”²¹⁸

12 • Shou Chew’s written testimony also included the following promise: “**1) We will**
13 **keep safety—particularly for teenagers—a top priority for us;**”²¹⁹ (emphasis in original)

14 • During an April 2023 Ted Talk, “*TikTok's CEO on its future—and what makes its*
15 *algorithm different,*” which has over 3.2 million views, Shou Chew referred to his aforementioned
16 written testimony before Congress, reiterating his commitment “that we take safety, especially for
17 teenagers, extremely seriously, and we will continue to prioritize that.” He went on to say, “[y]ou
18 know, I believe that [we] need to give our teenage users, and our users in general, a very safe
19
20
21

22 ²¹⁶ *TikTok, Youth Safety and Well-Being* (May 17, 2024),
23 <https://www.tiktok.com/community-guidelines/en/youth-safety/?cgversion=2024H1update>.

24 ²¹⁷ *TikTok, Enhancing the LIVE community experience with new features, updates, and*
25 *policies* (Oct. 17, 2022), <https://newsroom.tiktok.com/en-us/enhancing-the-live-community-experience>.

26 ²¹⁸ Written Statement of Testimony of Show Chew, U.S. House Committee on Energy and
27 Commerce (Mar. 23, 2023), <https://docs.house.gov/meetings/IF/IF00/20230323/115519/HHRG-118-IF00-Wstate-ChewS-20230323.pdf>.

28 ²¹⁹ *Id.*

1 experience If they don't feel safe, we cannot fulfill our mission. So, it's all very organic to
 2 me as a business to make sure that I do that.”²²⁰

3 249. TikTok Executives have also misrepresented TikTok's intentional and extensive
 4 efforts to encourage addiction to its platform through the development of compulsive design
 5 elements. For example:

6 • When asked by Congress if TikTok is specifically designed to keep users engaged
 7 as long as possible, TikTok's Vice President and Head of Public Policy, Michael Beckerman,
 8 testified: “We want to make sure that people are having an entertaining experience, you know like
 9 TV or movies, TikTok is meant to be entertaining. But we do think we have a responsibility, along
 10 with parents, to make sure that it's being used in a responsible way.”²²¹

11 • In the aforementioned April 2023 Ted Talk, Shou Chew reiterated that TikTok's
 12 “goal is not to optimize and maximize time spent. It is not.” He then denied that TikTok has a
 13 financial incentive to maximize users' time spent on the platform, stating: “Even if you think about
 14 it from a commercial point of view, it is always best when your customers have a very healthy
 15 relationship with your product. . .”²²²

16 250. Following media reports describing the tragic death of children who had died of
 17 asphyxiation while trying to complete the “Blackout Challenge” posted on TikTok, TikTok
 18 released an official response which included the following statement: “At TikTok, we have no
 19 higher priority than protecting the safety of our community, and content that promotes or glorifies
 20

21
 22 ²²⁰ *TikTok's CEO on its future—and what makes its algorithm different*, TED (Apr. 21, 2023),
 23 https://www.ted.com/talks/shou_chew_tiktok_s_ceo_on_its_future_and_what_makes_its_algorithm_different/transcript?subtitle=en.

24 ²²¹ Testimony of Michael Beckerman, U.S. Senate Committee on Commerce, Science &
 25 Transportation, Subcommittee on Consumer Protection, Product Safety, and Data Security:
 26 Hearing, Protecting Kids Online: Snapchat, TikTok, and YouTube (Oct. 26, 2021),
<https://www.commerce.senate.gov/services/files/8C751FF4-A1FD-4FCA-80F6-C84BEB04C2F9>.

27 ²²² *TikTok's CEO on its future—and what makes its algorithm different*, TED (Apr. 21, 2023),
 28 https://www.ted.com/talks/shou_chew_tiktok_s_ceo_on_its_future_and_what_makes_its_algorithm_different/transcript?subtitle=en.

1 dangerous behavior is strictly prohibited and promptly removed to prevent it from becoming a
2 trend on our platform.”²²³

3 251. By engaging in these similar misrepresentations, and by failing to disclose critical,
4 material information regarding its platform’s risks, TikTok deceives users, regulators, and the
5 public at large. TikTok’s deception and lack of transparency prevents young users and their
6 guardians from making truly informed decisions about platform usage.

7 252. While uniformly hiding the negative impacts of their products on adolescents, each
8 of the Social Media Defendants have simultaneously adopted successful engagement techniques
9 from each other, leading to a convergence in the features that make the platforms addictive to
10 young users. This includes the collective adoption of algorithmic features such as infinite scrolling,
11 autoplay, and personalized feeds that are now standard across social media platforms. It also
12 includes the collective adoption of reward mechanisms such as likes, streaks, and other features
13 that encourages young users to continually and consistently check their platforms. These features,
14 which are collectively adopted by all Defendants, are effective at engaging younger users who are
15 more vulnerable to social validation mechanisms and, as a result, they are now ubiquitous among
16 the social media platforms.

17 253. Further, each of the Social Media Defendants consistently benchmarks its
18 respective platform’s performance and user engagement metrics in reference to the performance
19 of the other platforms. This indirect collaboration leads to further adoption of uniform addictive
20 design choices across platforms, including using engagement and attention metrics as key
21 measures, such as time spent and click-through rates.

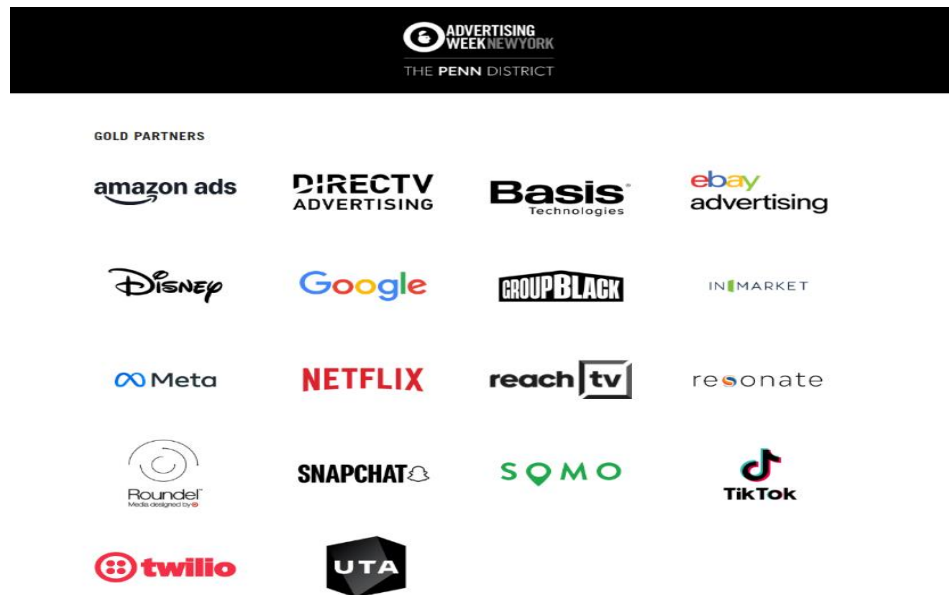
22 254. Defendants also collectively participate in trade associations and industry
23 organizations to protect their shared interests. Defendants and their agents aggressively lobby
24 against regulation that threatens their collective ability to employ addictive features on their
25

26
27 ²²³ Matthew Impelli, *TikTok Blackout Choking Challenge Leads to 12-Year-Old Boy*
28 *Becoming Brain Dead*, Newsweek (Mar. 30, 2021), <https://www.newsweek.com/tiktok-blackout-choking-challenge-leads-12-year-old-boy-becoming-brain-dead-1579927>.

platforms. The Defendants' relationships with these organizations allows for the uniform implementation of user engagement and platform design strategies across companies.

255. Additionally, Defendants also collaborate through data sharing arrangements in certain contexts, such as through advertising partnerships, which lead to more targeted and personalized content shown to adolescents on their platforms.

256. For example, the screen grab below shows that all four Social Media Defendants co-sponsored Advertising Week's 2024 New York event as top-tier donors.²²⁴



257. Advertising Week New York promotional materials state that it features numerous special events that provide a fun and engaging way for attendees to network, connect and exchange ideas. Meta, TikTok, Snap, and Google all were scheduled to have multiple speakers present throughout the week.²²⁵

²²⁴ AWWNewYork, 2024 Gold Partners, <https://advertisingweek.com/event/awnnewyork-2024-partners/> (last visited Oct. 17, 2024).

²²⁵ AWWNewYork (Oct. 7-10, 2024), <https://newyork2024.advertisingweek.com/aw/speakers/> (last visited Oct. 17, 2024).

258. Additionally, all Social Media Defendants are members of the Interactive Advertising Bureau (IAB), an organization created to empower the media and marketing industries to thrive in the digital economy. IAB's membership cohort is comprised of more than 700 leading media companies, brands, agencies, and technology firms responsible for selling, delivering, and optimizing digital ad marketing campaigns. IAB advertises the following benefits of membership. Members can: (1) participate with interactive leaders in shaping the industry; (2) collaborate with peers to establish guidelines, standards, and best practices; (3) drive industry research; (4) protect your business interests by helping steer IAB public policy efforts; (5) power growth of the interactive industry, and (6) improve your organization's operational efficiency.²²⁶

259. IAB Board of Directors include: Patrick Harris, President of Americas at Snap Inc.; Alvin Bowles, Vice President, Global Business Group, Americas at Meta; and Jason Spero, Vice President, Global Product Lead at Google.²²⁷

260. IAB's Measurement, Addressability, & Data Center ("MAD") specializes in measurement and attribution, addressability, advances in retail media, and privacy changes, providing a comprehensive approach to digital media challenges. Board members set the agenda and direction for IAB and the industry; approve and prioritize key initiatives; influence industry best practices; receive priority access to IAB experts, research, and tools; and participate in exclusive events and meetings. Google, Meta, and TikTok are listed as MAD Board Member Organizations.²²⁸ The IAB Attention Task Force focuses on enhancing how attention is measured and understood within advertising and marketing. The Task Force aims to create a standardized framework, develop metrics for broad use, and establish a common industry language. Importantly,

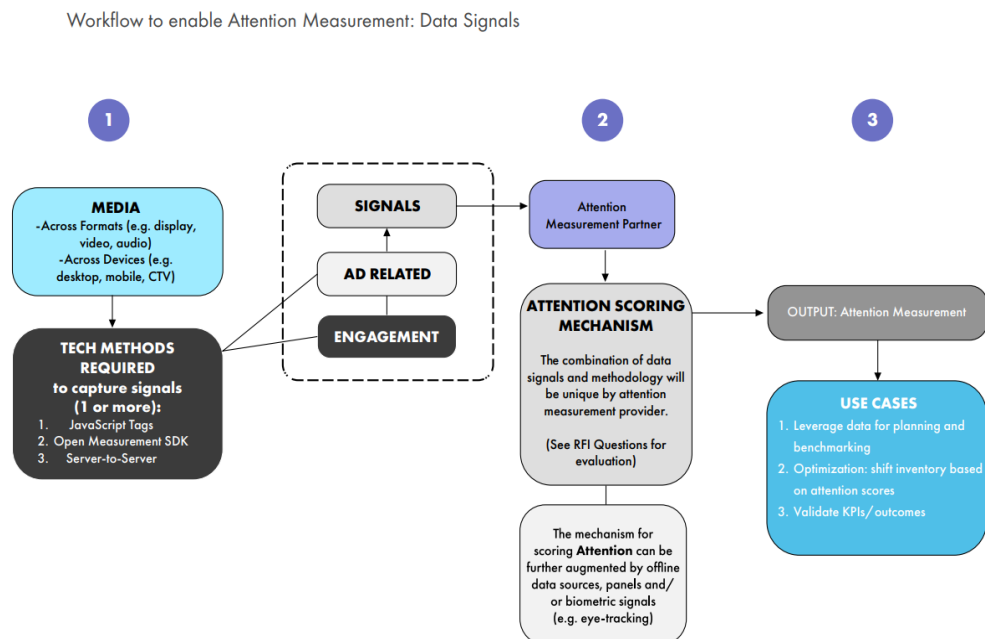
²²⁶ Interactive Advertising Bureau, Join IAB, <https://www.iab.com/our-story/> (last visited Oct. 17, 2024).

²²⁷ Interactive Advertising Bureau, Executive Committee, <https://www.iab.com/our-story/#board-of-directors> (last visited Oct. 17, 2024).

²²⁸ Interactive Advertising Bureau, Attention Measurement Explainer: Data Signal Approaches 13, Measurement, Addressability, & Data Center (Aug. 2024), https://www.iab.com/wp-content/uploads/2024/08/IAB_Attention_Measurement_Explainer_August_2024.pdf.

the Task Force is collaborating with the Media Rating Council to set guidelines for accrediting attention measurement solutions. Snapchat, Google, and Meta are listed as IAB Attention Task Force members.²²⁹

261. IAB's MAD published its Attention Measurement Explainer: Data Signal Approaches in August 2024. The Data Collection Process put forth by the 2024 Explainer is depicted in the screen grab below:²³⁰



262. Notably, the following Defendants' executives participated in meetings, provided edits or comments, and shared their insights or recommendations in developing the 2024 Attention Measurement Explainer:

- **Google**, David Parrott, Agency Measurement Lead;
- **Google**, Erez Levin, Product Specialist, Google Marketing Platform;
- **Google**, Suraj Rajdev, Head of Analytics and Insight;
- **Meta**, Brandon Klementzos, Marketing Science Partner;
- **Meta**, Sophie MacIntyre, Ads Research Lead, Marketing Science;
- **Meta**, Stephanie Martone, Global Industry Initiatives Lead, Measurement;

²²⁹ *Id.* at 11.

²³⁰ *Id.* at 4.

- *Snapchat*, Aarti Bhaskaran, Global Head of Ad Research and Insights;
- *Snapchat*, Takeshi Tawarada, Ads Research and Insights Lead, Augmented Reality; and
- *TikTok*, Susan Zemlyakova, Global Product Marketing and Strategy, Measurement.

263. Another example of formal collaboration among the Social Media Defendants is through the Association of National Advertisers (“ANA”) and its Growth Agenda and exclusive network.

264. The ANA is the U.S. advertising industry's oldest and largest trade association. Originally known as the Association of National Advertising Managers, it was established to promote cooperative relationships between regional and national advertising industries, manufacturers and dealers, and advertisers and agencies.²³¹

265. ANA’s mission is to drive growth for marketing professionals, for brands and businesses, and for the industry. Growth is foundational for all participants in the ecosystem. The ANA seeks to align those interests by leveraging the 12-point ANA Growth Agenda, which has been endorsed and embraced by the ANA Board of Directors and the Global CMO Growth Council.²³²

266. ANA partnership programs “allow a limited number of companies access, involvement, and networking with various ANA member touchpoints including national industry conferences, 1-Day Conferences, committee meetings, webinars, e-newsletters and more.”²³³ ANA states that its “partner programs also allow us [ANA] to expand our products and services, intellectual capital, and the geographic reach of the association.”²³⁴

²³¹ ANA, 2024 Media Conference (Mar. 18-20, 2024), <https://eventsinamerica.com/events/ana-2024-media-conference-association-of-national-advertisers-2024/business> (last visited Oct. 17, 2024).

²³² ANA, ANA Membership, <https://www.ana.net/content/show/id/my-membership> (last visited Oct. 17, 2024).

²³³ ANA, Our Partners, <https://www.ana.net/content/show/id/our-partners-a> (last visited June 4, 2024).

²³⁴ *Id.*

267. ANA's Strategic Partnership Program is the association's "most exclusive sponsorship level" and provides the thirteen enrolled Strategic Partners with "year-round access, speaking engagements, and networking across various ANA member touchpoints, including national industry conferences, the Masters of Marketing annual conference, virtual and member only one-day conferences, committee meetings, webinars, email newsletters, and more."²³⁵

268. TikTok, Google, and Meta are exclusive Strategic Partners of the ANA.²³⁶ Snap participates, along with the other Social Media Defendants, through membership positions within ANA's committees, such as the "Influencer Marketing Committee, Midwest Chapter."²³⁷ All four Social Media Defendants are ANA Marketing Solutions Provider Members.²³⁸

269. The ANA 2024 Media Conference vignette specifically provides that the conference will address the industry's most pressing media topics and issues, notably "cross-media measurement" and "attention metrics[.]"²³⁹

270. TikTok was the Presenting sponsor for the July 2024 ANA Digital & Social Media Conference in Los Angeles, California. The agenda included TikTok's presentation titled "Engaging Gen Z On Social's Hottest Platform" in which attendee learned "best practices for keeping audiences captivated on the platform and how TikTok is partnering with brands to drive engagement."²⁴⁰

²³⁵ ANA, Our Partner Programs, <https://www.ana.net/content/show/id/sponsorship-our-partners> (last visited Oct. 17, 2024).

²³⁶ *Id.*

²³⁷ ANA, Influencer Marketing Committee, Midwest Chapter, <https://www.ana.net/committee/profile/id/INFLMIDWEST> (last visited Oct. 17, 2024).

²³⁸ ANA, ANA Marketing Solutions Provider Member List, <https://www.ana.net/members/associatelist> (last visited Oct. 17, 2024).

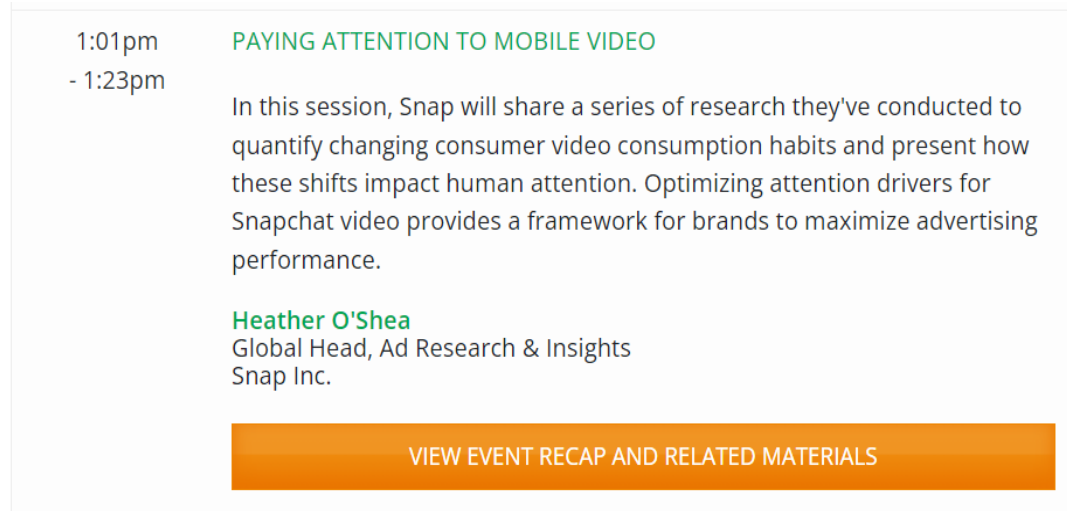
²³⁹ ANA, 2024 Media Conference (Mar. 18-20, 2024), <https://eventsinamerica.com/events/ana-2024-media-conference-association-of-national-advertisers-2024/business> (last visited Oct. 17, 2024).

²⁴⁰ ANA, 2024 ANA Digital & Social Media Conference, *presented by TikTok* (July 17-19, 2024), <https://www.ana.net/content/show/id/ms-dsmc-jul24-agenda> (last visited Oct. 17, 2024).

271. Google was the Presenting Sponsor for the September 2024 ANA Measurement & Analytics Conference—Leverage the Latest Measurement Advances, in Chicago. The event website provided that the speaker lineup featured marketers and researchers who are “not afraid to . . . deploy new, advanced tools and solutions to drive their business forward.”²⁴¹

272. Meta was the Presenting Sponsor for the May 2024 ANA Marketing Technology for Marketers Conference—Fully Leverage Your Tech Stack in Orlando, Florida.²⁴²

273. Snap presented for ANA in October 2021 on how to optimize attention drivers, as shown in the screenshot below.²⁴³



274. Through these meetings, Social Media Defendants shared strategies related to human attention and “optimizing attention drivers.”

²⁴¹ ANA, 2024 ANA Measurement & Analytics Conference, *presented by Google* (Sept. 16-18), <https://www.ana.net/content/show/id/ms-roi-sep24> (last visited Oct. 17, 2024).

²⁴² ANA, 2024 ANA Marketing Technology for Marketers Conference, *presented by Meta* (May 20-22), <https://www.ana.net/content/show/id/ms-mfm-may24-agenda> (last visited Oct. 17, 2024).

²⁴³ ANA, Using Attention Metrics to Drive Media and Creative Effectiveness, <https://www.ana.net/membersconference/show/id/MOC-SEP21E4> (last visited Oct. 17, 2024).

275. In addition, the 2024 ANA Masters of Marketing Conference Agenda lists the following presentations from Social Media Defendants:²⁴⁴

THE POWER OF TIKTOK: TURNING RELEVANCE INTO RESULTS (presented by TikTok)

With today's attention economy more fragmented than ever and consumer expectations changing by the day – this panel will explore the critical role relevance plays for marketers today and TikTok's unique role in unlocking it.

Join us for an exclusive preview of WARC's latest research on the topic and learn how your brand can translate on-trend behaviors into culture-shaping creative and transformative business impact.

Rema Vasan

Head of North America Business Marketing
TikTok

Corianda Dimes

NA Enterprise Business Marketing Lead
TikTok

Alexis Wolf

Head of Advisory
WARC North America

CROSS-MEDIA MEASUREMENT INITIATIVE REACHES NEW MILESTONES

The ANA recently announced significant progress and new milestones reached in its desire for a Cross-Media Measurement (CMM) solution, including the formation of Aquila, a new entity to govern, operationalize, and execute a CMM system in the U.S. Aquila will apply a principles-based approach to deliver a privacy-by-design, neutral and transparent technical solution to deliver cross-media measurement. Our expert panel will share an update on the groundbreaking progress this initiative has made over the past 9 months, where we are heading, and how the best and brightest minds in the industry are joining forces to operationalize Aquila's cross-media measurement solution.

Bill Tucker

Group Executive Vice President, ANA
President, Aquila

Maggie Burke

Global Director of Client Councils and Industry Initiatives
Meta

Kanishka Das (KD)

Global E-Business Analytics and Insights Director
The Procter & Gamble Company

George Ivie

CEO and Executive Director
Media Rating Council

Panelist TBA

Kantar Media

²⁴⁴ ANA, 2024 Masters of Marketing: Setting the Agenda (Oct. 21-25), <https://www.ana.net/content/show/id/ms-anc-oct24-agenda> (last visited Oct. 17, 2024).

LUNCH SESSION: FANDOMS ARE SHAPING MAINSTREAM POP CULTURE: HERE'S HOW BRANDS CAN KEEP UP.

We're seeing a fundamental shift in video culture. Today, 85% of people describe themselves as a fan of someone or something. As more people become engaged and AI tools make creation easier, fans have moved from being consumers of culture to directly shaping it. YouTube is at the center of this shift, as a platform where viewers deeply engage with things they're fans of, find new fandoms, and express their own creativity. How do brands stay ahead of these shifts?

Join Madeline Buxton, YouTube Culture and Trends Manager, as she shares insights from the YouTube Culture and Trends Report and helps marketers understand the biggest shifts in culture right now and how they can leverage these new dynamics.

Madeline Buxton
YouTube Culture & Trends Manager
Google

C. Social Media Defendants Engaged In, and Continue to Engage In, Racketeering by Violating the Criminal Federal Wire Fraud Statute Numerous of Times Incident to Their Scheme to Defraud

276. The Social Media Defendants willfully or knowingly conducted or participated in, directly or indirectly, the affairs of the Strategic Partnership Enterprise through a pattern of racketeering activity within the meaning of 18 U.S.C. §§1961(1), 1961(5) and 1962(c), and systematically and continuously employed the use of wire facilities, in violation of 18 U.S.C. §1343.

277. Specifically, the Social Media Defendants—individually and collectively—have committed, conspired to commit, and/or aided and abetted in the commission of, at least two predicate acts of racketeering activity (*i.e.*, violations of 18 U.S.C. §1343), within the past ten years, as described herein.

278. The Strategic Partnership Enterprise's scheme to defraud could not have been executed without each Social Media Defendant, its subsidiaries, and its executives using their separate legal incorporation to facilitate racketeering activity.

279. The multiple acts of racketeering activity that the Social Media Defendants committed, or aided or abetted in the commission of, were related to each other, pose a threat of continued racketeering activity, and therefore constitute a "pattern of racketeering activity."

280. By intentionally targeting youth users and concealing the known risks regarding the safety of their social media platforms to guardians, youth, federal, state and local governments, and the public at large, including the White Mountain Apache Tribe, the Social Media Defendants

1 engaged in a fraudulent and unlawful course of conduct constituting a pattern of racketeering
2 activity.

3 281. The Social Media Defendants used, directed the use of, and/or caused to be used,
4 numerous interstate and foreign wire communications in service of the Strategic Partnership
5 Enterprise's objectives through transmitting common misrepresentations, concealments, and
6 material omissions.

7 282. The Social Media Defendants committed these racketeering acts intentionally and
8 knowingly, with the specific intent to defraud and to personally or directly profit from these
9 actions. The Social Media Defendants' predicate acts of racketeering (18 U.S.C. §1961(1)) include,
10 but are not limited to wire fraud, violations of 18 U.S.C. §1343, by transmitting and/or receiving,
11 or by causing to be transmitted and/or received, fraudulent materials by wire for the purpose of
12 deceiving the public, members of the White Mountain Apache Tribe, White Mountain Apache
13 Tribal government, U.S. regulators, and Congress.

14 283. The pattern of racketeering activity conducted by the Social Media Defendants
15 involved numerous, coordinated separate instances of the use of interstate and/or foreign wire
16 facilities in furtherance of the unlawful Strategic Partnership Enterprise, including materially
17 uniform concealments and material omissions in statements regarding the material safety risks of
18 their social media platforms, with the goal of collectively profiting from increased advertising
19 revenues due to maximizing the engagement from youth users, including White Mountain Apache
20 Tribe's youth members, induced by the reliance on the Social Media Defendants' omissions and
21 misrepresentations.

22 284. As thoroughly described above, the Social Media Defendants devised and
23 knowingly carried out material schemes and/or artifices to defraud young users and their
24 guardians, White Mountain Apache Tribal Council, U.S. regulators, and Congress by: (1)
25 transmitting marketing materials and privacy statements that fraudulently and deceptively omitted
26 any reference to the known risks to youth users who engage on their platforms; (2) posting false
27 and misleading statements, including intentional misrepresentations and omissions, regarding the
28 safety of the platforms that Social Media Defendants had a duty to disclose on their respective

1 websites; and (3) transmitting written statements and televised testimony directed to Congress and
2 the public at large that concealed the safety risks of platforms and that deliberately suppressed
3 internal research findings showing the harmful effects social media platforms have on young users.

4 285. Each of these fraudulent interstate and/or foreign wire transmissions constitutes
5 racketeering activity and collectively, these violations constitute a pattern of racketeering activity,
6 through which the Social Media Defendants defrauded and intended to defraud the public,
7 including White Mountain Apache Tribe's youth and their guardians, in order to maximize
8 advertising revenues.

9 286. The Social Media Defendants devised and knowingly carried out an illegal scheme
10 and artifice to defraud by means of materially false or fraudulent pretenses and omissions of
11 material facts regarding the safety risks of their social media platforms on young users. The Social
12 Media Defendants as members the Strategic Partnership Enterprise knew that the weight of
13 contemporaneous scientific evidence established the existence of the safety risk to young users
14 and that this risk was material. They acted with reckless disregard in their statements to guardians,
15 the White Mountain Apache Tribe's youth, and the public at large, wherein they omitted the
16 material safety risks. The Social Media Defendants intended that that their common purpose and
17 scheme to defraud would, and did, use the interstate wire facilities, intentionally and knowingly
18 with the specific intent to advance, and for the purpose of executing, their illegal scheme.

19 287. The Social Media Defendants, by transmitting or receiving, or causing to be
20 transmitted or received, materials via wire for the purpose of executing the scheme to defraud
21 White Mountain Apache Tribe's youth and their guardians to increase and sustain youth
22 engagement on their respective platforms and thus increase advertising revenue, which amounts
23 to a material scheme to defraud and to obtain money on false pretenses, misrepresentations,
24 promises, and/or omissions.

25 288. The Social Media Defendants' use of interstate and/or foreign wires to perpetrate
26 the scheme involved numerous communications, publications, representations, statements, and
27 electronic transmissions. Illustrative and non-exhaustive examples of the Strategic Partnership
28

Enterprise's violations of the criminal federal wire fraud statute, 18 U.S.C. §1343, include the following aforementioned instances:

(a) Written and recorded testimonial statements presented during the Tuesday, October 26, 2021, congressional hearing titled "Protecting Kids Online: Snapchat, TikTok, and YouTube" in which Social Media Defendants' executives collectively misrepresented the safety of their respective platforms and concealed the intentional targeting of children to maximize engagement, thereby preventing the public, including the White Mountain Apache Tribe, from learning the truth;

(b) Marketing materials, privacy policies, and press releases regarding Social Media Defendants' respective platforms, and their corresponding risks and benefits, which the Social Media Defendants transmitted through the internet and television, that include intentional misrepresentations and omissions regarding the safety of their respective platforms that Social Media Defendants had a duty to disclose;

(c) Written statements and televised testimony directed to Congress that concealed the safety risks of the Social Media Defendants' respective platforms and that deliberately suppressed internal research findings showing the harmful effects social media platforms have on young users;

(d) Communications and statements directed to the public at large that fraudulently misrepresented the known risks associated with prolonged engagement and the deliberate suppression of internal research showing social media platforms' harmful effects on young users, and Written communications and internal e-mails regarding the Social Media Defendants' misrepresentations, marketing statements, and claims about targeting youth users, optimizing attention metrics, and the harmful effects on young users generally.

VII. THE DEFENDANT-INDUCED YOUTH MENTAL HEALTH CRISIS CAUSES SIGNIFICANT DISRUPTION AND HARM TO THE WHITE MOUNTAIN APACHE COMMUNITY AND ITS SOCIAL SERVICE SYSTEMS

A. Young Members of the White Mountain Apache Tribe Are Addicted to Defendants' Social Media Platforms and Suffer Harm as a Result of Their Use

289. Social media is used frequently by most Native youth (aged 10-24 years).²⁴⁵ Like their Non-Native counterparts, almost all Native youth maintain social media accounts.²⁴⁶

290. In a study of the Native youth population, all adolescent focus-group participants reported using social media at least once a day, but most participants reported using social media several times a day.²⁴⁷ The social media apps most used among the participants were Facebook, Instagram, and Snapchat.²⁴⁸

291. Members of the White Mountain Apache Tribe report a troubling increase in youth anxiety, depression, and suicidal thoughts connected to social media addiction.

292. The following excerpt from a Northland Pioneer College Reservation student's final draft of a paper titled "Effects of Social Media" illustrates the pervasive impact of social media use felt throughout the White Mountain Apache community:²⁴⁹

Effects of Social Media

* * *

Too much time on social media can cause depression and anxiety addictive. . . . Letting oneself be on social media for more than two or so hours a day is very

²⁴⁵ Bradley Kerr et al., *Assessing the Usability, Appeal, and Impact of a Web-Based Training for Adults Responding to Concerning Posts on Social Media: Pilot Suicide Prevention Study*, JMIR Mental Health (Jan. 20, 2020), <https://mental.jmir.org/2020/1/e14949>.

²⁴⁶ Jesse Gritton, MPH, et al., *Responding to Concerning Posts on Social Media: Insights and Solutions from American Indian and Alaska Native Youth* at 64, Ctrs. for American Indian and Alaska Native Health, Colorado School of Public Health (2017), https://www.healthynativeyouth.org/wp-content/uploads/2018/12/Gritton_social_media_posts_2017.pdf.

²⁴⁷ *Id.* at 69.

²⁴⁸ *Id.*

²⁴⁹ Final Paper Draft, "Effects of Social Media," Northland Pioneer College, 2021/2022 Academic Year (source on file with Plaintiff).

1 damaging, and in order to stop this serious amount of damage, social media users
2 must be able to be old enough to know how to limit the amount of time they spend
3 on social media[.]

4 293. White Mountain Apache community members are alerting parents to take proactive
5 steps to address youth social media addiction. A recent article in the *White Mountain Independent*
6 promoted a free event for parents focused on the impact of social media. Presenters noted a
7 dramatic increase in teen suicides and that they “are seeing a connection to social media having an
8 affect[sic] on the rise.”²⁵⁰

9 **B. White Mountain Apache Tribe Schools Suffer Unique Harms as the**
10 **Front Lines of the Youth Mental Health Crisis**

11 294. Schools attended by White Mountain Apache Tribe youth are on the front lines of
12 redressing the youth mental health crisis.

13 295. Addressing social media addiction causes substantial and financially burdensome
14 interference with school operations. Teachers and staff are expending and diverting resources in
15 providing mental health support to students, spending extra staff time to enforce social media
16 restrictions and to address behavioral issues connected to social media.

17 296. Concerned about the damage caused by social media “challenges” amplified on
18 Defendants’ platforms, the Seven Mile Elementary School of the Whiteriver Unified School
19 District disclosed in its 2024-2025 Parent-Student Handbook a chilling warning:²⁵¹

20
21
22
23
24 ²⁵⁰ Bob Martinson, *Group presents free parent education night on social media effects*, The
25 Independent (Mar. 19, 2019), https://www.wmicentral.com/news/latest_news/group-presents-free-parent-education-night-on-social-media-effects/article_6ea7e336-ad3b-5609-9b0d-040e1ca5a356.html.

26 ²⁵¹ Seven Mile Elementary School, 2024-2025 Parent-Student Handbook 31,
27 [https://www.wusd.us/upload/common/MVR-SME%20PARENT](https://www.wusd.us/upload/common/MVR-SME%20PARENT%20STUDENT%20HANDBOOK%2024-25%20EDITED.pdf)
28 [STUDENT%20HANDBOOK%2024-25%20EDITED.pdf](https://www.wusd.us/upload/common/MVR-SME%20PARENT%20STUDENT%20HANDBOOK%2024-25%20EDITED.pdf).

PARENTS CORNER

Social Media

In an effort to keep and practice safety in school, Seven Mile Elementary School is practicing ZERO Tolerance to any Social Media Crazes/Challenges done during school hours. Social Media sites include but not limited to Tiktok, Instagram, Facebook, etc... While these Crazes/Challenges are enticing to kids and young individuals, most of them are non-sensical hence labeled INAPPROPRIATE. Anyone found doing them during school hours shall be dealt with in accordance to the District Discipline Matrix.

C. The Apache Community Is Expending and Diverting Community Resources to Prevent Youth Suicide and Suicide Contagion

297. Defendants' conduct has created a public health crisis for the White Mountain Apache Tribe. There has been a surge in Native youth who are anxious, depressed, or suicidal in connection to Defendants' Social Media Platforms—affecting individuals, families, and entire communities.

298. Native youth population is disproportionally impacted by high rates of suicide and depression. Among Native youth aged 14-18 years, the current prevalence of suicidal thoughts, suicide planning, and attempted suicide is nearly 15% more than the rate recorded in 2017. Tribes today live with the devastating reality that suicide is the second leading cause of death for Native youths aged 10-24 years, a rate that is 2.5 times higher than the national average.²⁵²

299. While the suicide rate for White Mountain Apache youth has always been higher than the national average,²⁵³ the suicide rate has skyrocketed since the introduction of Defendants' Social Media Platforms and their adoption by tribal youth.

²⁵² Kerr et al., *supra* note 246.

²⁵³ Mary F Cwik et al, *Decreases in Suicide Deaths and Attempts Linked to the White Mountain Apache Suicide Surveillance and Prevention System, 2001–2012*, Am J Public Health (Dec. 2016).

1 300. At the start of the Celebrating Life Prevention Team's operations, staff members
2 processed 200 to 250 intake referral forms for suicidal behaviors annually. Alarming, the White
3 Mountain Apache Tribe and the Celebrating Life Prevention Team have received thousands of such
4 referrals in recent years. This dramatic surge underscores a deeply concerning acceleration of the
5 suicide crisis on the Reservation. Based on data collected by the Celebrating Life Prevention Team,
6 the Tribe has learned that 60% of its suicide deaths and 70% of non-fatal attempts in the community
7 are among youth less than 25 years old. Staff members have reported social media use connected
8 to instances of suicidal ideation, attempts and deaths in referral forms.

9 301. Social media addiction compounds the challenges faced by White Mountain
10 Apache youth as these platforms entrap them in addictive usage.

11 302. Tribal Leadership recognizes that Native youth are at higher risk of suicide
12 contagion and cluster formation and have identified Social Media Platforms as a powerful vector
13 for the spread of this public health crisis.

14 303. A 2017 report published by the U.S. Department of Health and Human Services
15 identified that Native “[a]dolescents and young adults, who—in some tribes—have alarmingly
16 high suicide rates, are at greater risk for suicide contagion and cluster formation than other age
17 demographics.”²⁵⁴ The report further cautioned that Defendants’ Social Media Products are
18 potential triggers for suicide cluster contagion because they “significantly increase the size of a
19 potential victim’s circle of influence. This creates the capacity for broader, faster, and more
20 extensive spread of suicide stories and rumors.”²⁵⁵

21 304. In response to the growing ubiquity of Defendants’ Social Media Platforms, the
22 U.S. Department of Health and Human Services released a report in 2024 warning that Defendants’
23 Social Media Platforms present risks to effectively responding to suicide clusters, despite their
24

25
26 ²⁵⁴ *Suicide Clusters within American Indian and Alaska Native Communities: A review of the*
27 *literature and recommendations*, U.S. Dep’t of Health and Hum. Servs., SAMHSA (2017),
<https://store.samhsa.gov/sites/default/files/sma17-5050.pdf>.

28 ²⁵⁵ *Id.* at 12.

value as tools for public outreach.²⁵⁶ “Social media can serve as an unwelcome early notification system of a suicide or suicide cluster. The speed at which information travels via social media can prompt the spread of misinformation among community members and contagion among vulnerable persons. As a result, community leaders often are left to deal with the traumatic aftermath of many persons having to first learn of a loved one’s death by suicide online.”²⁵⁷

305. Studies on suicide contagion and its connection to Social Media Platforms are trickling in. One such study, conducted in Ohio in 2021, found that students in 7th to 12th grade, during a 2017-2018 suicide cluster, were at increased risk of suicidal ideation and suicidal attempts due to exposure to suicide cluster-related social media.²⁵⁸ The study recommended interventions to mitigate the potential negative effects of social media.

306. The White Mountain Apache Tribe, having confronted a devastating youth “suicide cluster” in 2001, has since expended and diverted substantial resources to intervene, combat the ongoing youth mental health crisis and prevent further suicides, including the recurrence of such clusters.

307. Effectively addressing the youth mental health crisis demands the collective efforts of the entire Tribal community, its social services programs, and the Celebrating Life Prevention Team, which now face an unprecedented volume of suicide referrals. These efforts strain already limited resources, making it increasingly difficult for the Tribe to deliver essential social services.

308. The White Mountain Apache Tribe needs more resources to: hire additional personnel, including counselors and medical professionals to address mental, emotional, and social health issues; develop additional resources to address mental, emotional, and social health issues; increase training for Tribal leaders and members to identify youth exhibiting mental, emotional,

²⁵⁶ CDC Guidance for Community Response to Suicide Clusters, United States, 2024, U.S. Dep’t of Health and Hum. Servs., Center for Disease Control and Prevention (2024), <https://www.cdc.gov/mmwr/volumes/73/su/pdfs/su7302a3-H.pdf>.

²⁵⁷ *Id.* at 24.

²⁵⁸ Swedo, Elizabeth A. et al. *Associations Between Social Media and Suicidal Behaviors During a Youth Suicide Cluster in Ohio*, Journal of Adolescent Health, Volume 68, Issue 2, 308 – 316 (July 7, 2020), [https://www.jahonline.org/article/S1054-139X\(20\)30305-0/abstract](https://www.jahonline.org/article/S1054-139X(20)30305-0/abstract).

1 and social distress; educate Tribal leaders and members about the harms caused by Defendants’
 2 wrongful conduct; and develop lesson plans to teach youth about the dangers of using Defendants’
 3 Social Media Platforms.

4 309. The Defendants’ actions and omissions have significantly and unjustifiably
 5 disrupted the Tribe’s functions and operations, posing substantial harm to the public health, safety,
 6 and overall welfare of the Tribe’s community.

7 **VIII. CAUSES OF ACTION**

8 **FIRST CLAIM FOR RELIEF** 9 **Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. §1962(c)** 10 **Strategic Partnership Enterprise** 11 **(Brought by Plaintiff Against All Defendants)**

12 310. Plaintiff White Mountain Apache Tribe repeats and realleges ¶¶1-309, as if fully
 13 alleged herein.

14 311. This claim is brought by the White Mountain Apache Tribe against the Social Media
 15 Defendants for actual damages, treble damages, and available injunctive and/or equitable relief
 16 under 18 U.S.C. §1964, for violations of 18 U.S.C. §§1961, *et seq.* (“RICO statute”), specifically,
 17 18 U.S.C. §1962(c).

18 312. 18 U.S.C. §1962(c) provides, in relevant part:

19 It shall be unlawful for any person employed by or associated with any
 20 enterprise engaged in, or the activities of which affect, interstate or foreign
 21 commerce, to conduct or participate, directly or indirectly, in the conduct of
 22 such enterprise’s affairs through a pattern of racketeering activity . . .

23 313. At all relevant times, each of the Social Media Defendants were and are “persons”
 24 for purposes of the RICO statute, 18 U.S.C. §§1961, *et seq.*, because each Social Media Defendant
 25 is an entity capable of holding, and does hold, “a legal or beneficial interest in property[.]” *See* 18
 26 U.S.C. §1961(3).

27 314. The White Mountain Apache Tribe is a “person,” as defined under 18 U.S.C.
 28 §1961(3), and has standing to sue under 18 U.S.C. §1964(c) as it was and is injured in its business
 and/or property “by reason of” the RICO Act violations described herein. because each Social

1 Media Defendant is an entity capable of holding, and does hold, “a legal or beneficial interest in
2 property[.]” *See* 18 U.S.C. §1961(3).

3 315. As set forth above, the Social Media Defendants together formed an association-
4 in-fact enterprise—namely, the Strategic Partnership Enterprise—for the purpose of creating,
5 maintaining, and distributing addictive platforms and profiting from the resulting increased
6 advertising revenue due to the maximization of user engagement. The Strategic Partnership
7 Enterprise is an association-in-fact enterprise within the meaning of 18 U.S.C §1961. Each Social
8 Media Defendant and their respective executives are associated with the Strategic Partnership
9 Enterprise.

10 316. The Strategic Partnership Enterprise engages in and affects interstate and foreign
11 commerce.

12 317. Each Social Media Defendant conducts and participates in the Strategic Partnership
13 Enterprise’s affairs through a pattern of racketeering activity, as defined in 18 U.S.C. §1961(5).
14 Social Media Defendants’ pattern of racketeering activity includes numerous violations of the
15 federal wire fraud statute, 18 U.S.C. §1343.

16 318. Defendants formed a scheme to accomplish the purpose of maximizing youth
17 engagement on their respective platforms by collectively gaslighting and defrauding the public
18 into believing that its products, social media platforms, did not have detrimental effects on
19 adolescents, in order to achieve the goal of collectively increasing advertising revenue by ensuring
20 youth user engagement. The scheme was profitable, as evidenced by the Defendants’ making
21 nearly \$11 billion in advertising revenue from users under the age of 18 in 2022.

22 319. Defendants’ scheme to defraud was and is intended to deceive the public, including
23 White Mountain Apache Tribe’s youth and their guardians in order to maximize advertising
24 revenues by means of materially false or fraudulent pretenses, representations, and promises
25 regarding the safety of their respective platforms and business practices targeting young users.

26 320. The scheme involves materially false representations and deceptive omissions to
27 the public about the known risks to youth users who engage on their platforms that Defendants
28

1 had a duty to disclose, as well the deliberate suppression of internal research findings showing the
2 harmful effects social media platforms have on young users, among other things.

3 321. Defendants' systematic and coordinated conduct in the development and operation
4 of each social media platform is in violation of RICO, 18 U.S.C. §1962(c), has injured Plaintiff,
5 thereby entitling Plaintiff to recover treble damages.

6 322. Defendants' intent to defraud is evidenced by their conduct. The written statements,
7 marketing materials and statements made on behalf of the Defendants collectively contain
8 numerous false representations and promises, and those falsehoods were and are capable of
9 portraying social media platforms as harmless, which is demonstrably untrue.

10 323. The Social Media Defendants devised and knowingly carried out an illegal scheme
11 and artifice to defraud by means of materially false or fraudulent pretenses and omissions of
12 material facts regarding the safety risks of their social media platforms on young users. The Social
13 Media Defendants, as members the Strategic Partnership Enterprise, knew that the weight of
14 contemporaneous scientific evidence established the existence of the safety risk to young users
15 and that the risk was material. They acted with reckless disregard in their statements to guardians,
16 White Mountain Apache Tribe's youth, and the public at large, wherein they omitted the material
17 safety risks. The Social Media Defendants intended that that their common purpose and scheme to
18 defraud would, and did, use the interstate wire facilities, intentionally and knowingly with the
19 specific intent to advance, and for the purpose of executing, their illegal scheme.

20 324. The pattern of racketeering activity by the Social Media Defendants and the
21 Strategic Partnership Enterprise involved numerous separate instances of the use of interstate wire
22 facilities in furtherance of the unlawful Strategic Partnership Enterprise, including materially
23 uniform concealments and material omissions in statements regarding the material safety risks of
24 their social media platforms, with the goal of collectively profiting from increased advertising
25 revenues due to maximizing the engagement from youth users, including White Mountain Apache
26 Tribe's youth members, induced by the public, including the White Mountain Apache Tribe's
27 reliance on the Social Media Defendants omissions and misrepresentations.

1 325. Each of these fraudulent interstate wire transmissions constitutes racketeering
 2 activity and collectively, these violations constitute a pattern of racketeering activity, through
 3 which the Social Media Defendants defrauded and intended to defraud guardians and White
 4 Mountain Apache Tribe's youth in order to maximize advertising revenues.

5 326. All of these wire communications were both foreseeable and incident to an essential
 6 part of Defendants' fraudulent scheme. Defendants' violations of RICO injured Plaintiff in their
 7 property by fraudulently inducing them to dedicate funding and resources that they are otherwise
 8 entitled to in order to address the mental health crisis plaguing its youth population as a result of
 9 Defendants' intentional and coordinated fraudulent efforts.

10 327. Defendants' violations of RICO are the but-for cause of Plaintiff's injuries. Defendants'
 11 violations also are the proximate cause of Plaintiff's injuries, as the Tribe's government would not
 12 have permitted the social media platforms to have been as widely used as they have been if
 13 Defendants not misrepresented and suppressed the known risks to a vulnerable youth population
 14 at the center of the Tribe's communities.

15
 16 **SECOND CLAIM FOR RELIEF**
 Public Nuisance
 (Brought by Plaintiff Against All Defendants)

17
 18 328. Plaintiff White Mountain Apache Tribe repeats and realleges ¶¶1-309, as if fully
 19 alleged herein.

20 329. Section 821B of the Restatement (Second) Torts defines a "public nuisance" as "an
 21 unreasonable interference with a right common to the general public."

22 330. Sections 821B(2)(a),(c) of the Restatement (Second) Torts provide that an
 23 unreasonable interference with a public right includes conduct that involves a "significant
 24 interference with the public health, the public safety, the public peace, and the public comfort" and
 25 conduct "of a continuing nature or has produced a permanent or long-lasting effect, and, as the
 26 actor knows or has reason to know, has a significant effect upon the public right."
 27
 28

1 331. Plaintiff White Mountain Apache Tribe brings this claim to abate the public
2 nuisance that has and is contemporaneously impacting the Plaintiff White Mountain Apache
3 Tribe's communities, and that the Defendants are responsible for creating.

4 332. Each Defendant, acting individually and in concert, unlawfully committed an act
5 or omitted to perform a duty by failing to use reasonable care in the design, promotion, and
6 operation of their respective social media products.

7 333. Defendants' acts and omissions created and substantially contribute to the social
8 media addiction epidemic and youth mental health crisis in the communities of the Plaintiff White
9 Mountain Apache Tribe, unreasonably interfering with the public health and safety in Plaintiff
10 White Mountain Apache Tribe's communities and significantly interfering with the operations,
11 resource allocation, and welfare of Plaintiff White Mountain Apache Tribe's communities.

12 334. Defendants' conduct affects every one of Plaintiff White Mountain Apache Tribe's
13 Reservation communities, its programs and services, and every member within each community.

14 335. Defendants' conduct is of a continuing nature and has produced permanent and
15 long-lasting damage and is likely to continue to cause significant harm to the health and welfare
16 of the White Mountain Apache Tribe, its programs and services, and its members. Defendants
17 know their conduct has a significant effect upon the public right that is substantial and
18 unreasonable.

19 336. Defendants' conduct caused and continues to contribute to the aforementioned
20 social media addiction epidemic and youth mental health crisis devastating the public health,
21 safety, resources, and welfare of the White Mountain Apache Tribe. The Tribe has already
22 expended, and will need to continue to expend, substantial resources to mitigate the harm caused
23 by Defendants' conduct. The resulting harm to Plaintiff White Mountain Apache Tribe and its
24 programs and services, members, and respective communities substantially outweighs any
25 offsetting benefit.

26 337. Defendants have a duty to abate the nuisance they create, yet they have failed to
27 fulfill this duty.

28

1 338. The public nuisance created, perpetuated, and maintained by Defendants can be
2 abated and further recurrence of such harm and inconvenience can be abated.

3 339. The rights, interests, and inconvenience to Plaintiff White Mountain Apache Tribe's
4 communities far outweighs the rights, interests, and inconvenience to Defendants, who have
5 profited tremendously from their wrongful conduct at the expense of Plaintiff White Mountain
6 Apache Tribe's most vulnerable members.

7 340. Defendants knew or reasonably should have known that their design, promotion,
8 and operation of their social media products would cause White Mountain Apache youth to become
9 addicted to their platforms, that their marketing methods were designed to addict youth, and that
10 their persistent efforts to increase youth engagement with their products were causing harm to
11 youth, including youth in Plaintiff White Mountain Apache Tribe's communities. The public
12 nuisance caused by Defendants was reasonably foreseeable, including the financial and economic
13 losses already incurred by Plaintiff.

14 341. Additionally, Defendants' conduct was a substantial factor in bringing about the
15 public nuisance. By designing, marketing, promoting, and operating their social media products in
16 a manner intended to maximize the time youth spend on their respective platforms—despite
17 knowledge of the harms to young users resulting from their wrongful conduct—Defendants
18 directly facilitated the widespread, excessive, and addictive use of their social media products and
19 the resulting public nuisance plaguing Plaintiff White Mountain Apache Tribe's youth.

20 342. By seeking to capitalize on their success by refining their social media products to
21 increase the time youth spend on their platforms, Defendants directly caused this public nuisance
22 plaguing the White Mountain Apache Tribe.

23 343. Defendants' actions were, at the very least, a substantial factor in their respective
24 social media products becoming widely available and widely used in the Plaintiff White Mountain
25 Apache Tribe's youth population.

26 344. Defendants' actions were, at the very least, a substantial factor in White Mountain
27 Apache Tribe and its programs, services, and members' inability to educate its members about the
28 risks and benefits of youth users engaging with their social media products.

1 345. But for Defendants' actions, Plaintiff White Mountain Apache Tribe's youth would
2 not use Defendants' social media products as frequently or to the extent as they do today or be
3 deluged with exploitive and harmful content to the same degree, and the epidemic and mental
4 health crisis that currently exists because of Defendants' conduct would have been averted.

5 346. Plaintiff White Mountain Apache Tribe seeks an order providing for abatement of
6 the public nuisance that Defendants created or assisted in the creation of, and enjoining Defendants
7 from future conduct creating a public nuisance.

8 347. Plaintiff White Mountain Apache Tribe seeks damages from the Defendants to pay
9 for the costs to permanently eliminate the hazards to public health and safety and abate the public
10 nuisance.

11 348. Plaintiff White Mountain Apache Tribe has had to take steps to mitigate the harm
12 and disruption caused by Defendants' conduct.

13 349. Defendants' conduct is especially injurious to Plaintiff because, as a direct and
14 proximate cause of Defendants' conduct creating or assisting in the creation of a public nuisance,
15 Plaintiff White Mountain Apache Tribe and its programs, services, and members have sustained
16 and will continue to sustain substantial injuries.

17 350. As a direct result of Defendants' conduct, Plaintiff White Mountain Apache Tribe
18 and its respective communities have suffered actual injury and economic damages including, but
19 not limited to, significant expenses for enforcement, emergency response services, health,
20 education and training, prosecution, child protection, corrections, judicial and other services.

21 351. Defendants are liable to Plaintiff White Mountain Apache Tribe for the costs borne
22 by Plaintiff as a result of the social media addiction epidemic and youth mental health crisis
23 plaguing its communities and for the costs of abating the nuisance created by Defendants.

24 352. Plaintiff White Mountain Apache Tribe requests all the relief to which it is entitled
25 in their own right and relating to the special damage or injury it has suffered, including in its *parens*
26 *patriae* capacity in the public interest to protect the health, safety, and welfare of all members of
27 its respective communities. This includes actual and compensatory damages in an amount to be
28 determined at trial and an order providing for the abatement of the public nuisance that Defendants

1 have created or assisted in the creation of, and enjoining Defendants from future conduct
2 contributing to the public nuisance described above. All Defendants are jointly and severally liable
3 for the public nuisance.

4
5 **THIRD CLAIM FOR RELIEF**
6 **Fraud**
7 **(Brought by Plaintiff Against All Defendants)**

8 353. Plaintiff White Mountain Apache Tribe repeats and realleges ¶¶1-309, as if fully
9 alleged herein.

10 354. As alleged herein and throughout this Complaint, Defendants have made material
11 misrepresentations concerning the design, impacts, and/or operation of their social media products,
12 as well as false or misleading descriptions, omissions, and representations of fact during the
13 advertising and portrayal of their respective products, and those material misrepresentations and
14 false or misleading descriptions, omissions, and representations of fact were knowingly or
15 recklessly made.

16 355. Defendants made these material misrepresentations and false or misleading
17 descriptions, omissions, and representations of fact in an intentional effort to deceive and induce
18 Plaintiff White Mountain Apache Tribe's youth community members to engage with and maximize
19 time spent on their respective platforms, despite Defendants' knowledge that their social media
20 products were harmful to youth users and that the their social media products were highly addictive
21 and subjected youth users to exploitation and concerning content.

22 356. Defendants continued making these materials misrepresentations and omissions
23 regarding their respective social media products, and failed to correct them, despite multiple
24 regulatory settlements, publications, and investigations demonstrating the false nature of
25 Defendants' claims and their devastating consequences.

26 357. Youth members, their guardians, and all other community members in the White
27 Mountain Apache Tribe relied on the Defendants' misrepresentations and omissions in engaging
28 with and permitting use of Defendants' social media products.

1 358. Defendants are liable to Plaintiff White Mountain Apache Tribe for the damage
2 Defendants' material, uncorrected, and knowingly or recklessly made misrepresentations,
3 omissions, and false statements have caused to Plaintiff and its programs, services, and members.

4
5 **FOURTH CLAIM FOR RELIEF**
6 **Negligence and Gross Negligence**
7 **(Brought by Plaintiff Against All Defendants)**

8 359. Plaintiff White Mountain Apache Tribe repeats and realleges ¶¶1-309, as if fully
9 alleged herein.

10 360. All Defendants had a legal duty to act with the exercise of ordinary care or skill to
11 prevent injury to another.

12 361. Defendants owed Plaintiff White Mountain Apache Tribe and its members a duty
13 to not expose them to unreasonable risk of harm, and to act with reasonable care as a reasonably
14 careful person and/or company would act under the circumstances.

15 362. At all times relevant to this litigation, Defendants owed a duty to the Plaintiff White
16 Mountain Apache Tribe and its members to exercise reasonable care in the design, research,
17 development, testing, marketing, supply, promotion, advertisement, operation, and distribution of
18 their social media products, including the duty to take all reasonable steps necessary to design,
19 research, market, advertise, promote, operate, and/or distribute their platforms in a way that is not
20 unreasonably dangerous to users, including vulnerable young users.

21 363. At all times relevant to this litigation, Defendants owed a duty to the Plaintiff White
22 Mountain Apache Tribe and its members to exercise reasonable care in the design, research,
23 development, testing, marketing, supply, promotion, advertisement, operation, and distribution of
24 their social media products, including the duty to provide accurate, true, and correct information
25 about the risks of using Defendants' platforms; and appropriate, complete, and accurate warnings
26 about the potential adverse effects of extended social media use, particularly social media content
27 Defendants directed via their algorithms to young users.

28 364. At all times relevant to this litigation, Defendants knew or, in the exercise of
reasonable care, should have known of the hazards and dangers of their respective social media

1 products and specifically, the health hazards their platforms posed to youth in particular, especially
2 extended or problematic use of such products.

3 365. Accordingly, at all times relevant to this litigation, Defendants knew or, in the
4 exercise of reasonable care, should have known that use of Defendants' social media products by
5 Plaintiff White Mountain Apache Tribe's youth members could cause the Plaintiff White Mountain
6 Apache Tribe and its programs, services, and members' injuries and thus created a dangerous and
7 unreasonable risk of injury to the Plaintiff White Mountain Apache Tribe and its programs,
8 services, and members.

9 366. Defendants also knew or, in the exercise of reasonable care, should have known
10 that users of Defendants' social media products were unaware of the risks and the magnitude of
11 the risks associated with the use of Defendants' platforms including but not limited to the risks of
12 extended or problematic social media use and the likelihood that algorithm-based
13 recommendations would expose young users to content that is violent, sexual, or encouraging of
14 self-harm, among other types of harmful content.

15 367. As such, Defendants, by action and inaction, representation and omission, breached
16 their duty of reasonable care, failed to exercise ordinary care, and failed to act as a reasonably
17 careful person and/or company would act under the circumstances in the design, research,
18 development, testing, marketing, supply, promotion, advertisement, operation, and distribution of
19 their social media products, in that Defendants designed, researched, developed, tested, marketed,
20 supplied, promoted, advertised, operated, and distributed social media platforms that Defendants
21 knew or had reason to know would negatively impact the mental health of users, particularly youth,
22 and failed to prevent or adequately warn of these risks and injuries.

23 368. Despite their ability and means to investigate, study, and test their social media
24 products and to provide adequate warnings and safety controls, Defendants have failed to do so.
25 Defendants have wrongfully concealed information and have made false and/or misleading
26 statements concerning the safety and use of Defendants' social media products. Defendants
27 breached their duty of care through their wrongful acts, including, but not limited to:
28

1 i. designing, researching, developing, marketing, supplying, promoting,
2 advertising, operating, and distributing their social media platforms without thorough research
3 testing;

4 ii. failing to sufficiently study and conduct necessary tests to determine
5 whether or not their social media platforms were safe for youth users;

6 iii. failing to use reasonable and prudent care in the research, design,
7 development, testing, marketing, supply, promotion, advertisement, operation, and distribution of
8 their social media platforms so as to avoid the risk of encouraging extended and compulsive social
9 media use;

10 iv. designing their social media platforms to maximize the amount of time users
11 spend on the platform and causing excessive and problematic use of their platforms, particularly
12 among youth, through the use of algorithm-based feeds;

13 v. failing to implement adequate safeguards in the design and operation of
14 their platforms to ensure they would not encourage excessive and problematic use of their
15 platforms;

16 vi. designing and manufacturing their platforms to appeal to minors and young
17 people who lack the same cognitive development as adults and are particularly vulnerable to social
18 rewards;

19 vii. failing to take adequate steps to prevent their platforms from being
20 promoted, distributed, and used by minors under the age of 13;

21 viii. failing to provide adequate warnings to young users or parents/guardians
22 who Defendants could reasonably foresee would use their platforms;

23 ix. failing to disclose to, or warn, Plaintiff White Mountain Apache Tribe,
24 users, and the general public of the negative mental health consequences associated with social
25 media use, especially for children and adolescents;

26 x. failing to disclose to White Mountain Apache Tribe, users, and the general
27 public that Defendants' platforms are designed to maximize the time users, particularly youth,
28 spend on Defendants' platforms and cause negative mental health consequences;

1 xi. representing that Defendants' platforms were safe for child and adolescent
2 users when, in fact, Defendants knew or should have known that the platforms presented acute
3 mental health concerns for young users;

4 xii. failing to alert users and the general public, including the White Mountain
5 Apache Tribe's members, of the true risks of using Defendants' platforms;

6 xiii. advertising, marketing; and recommending Defendants' platforms while
7 concealing and failing to disclose or warn of the dangers known by Defendants to be associated
8 with, or caused by, youth use of Defendants' platforms;

9 xiv. continuing to design, research, develop, market, supply, promote, advertise,
10 operate, and distribute Defendants' platforms with knowledge that Defendants' platforms are
11 unreasonably unsafe, addictive, and dangerous to youth mental health;

12 xv. failing to modify Defendants' algorithms, which are used to recommend
13 content to users, in a manner that would no longer prioritize maximizing the amount of time users
14 spend on Defendants' platforms over the safety of its youth users;

15 xvi. failing to adequately modify Defendants' algorithm-based
16 recommendations to filter out content that expose child and adolescent users to content that is
17 violent, sexual, or encourages self-harm, among other types of harmful content, and

18 xvii. committing other failures, acts, and omissions set forth herein.

19 369. Defendants knew or should have known that it was foreseeable that Plaintiff White
20 Mountain Apache Tribe and its programs, services, and members would suffer injuries as a result
21 of Defendants' failure to exercise reasonable care in designing, researching, developing, testing,
22 marketing, supplying, promoting, advertising, operating, and distributing Defendants' platforms,
23 particularly when Defendants' platforms were designed, developed, operated and marketed to
24 maximize the time youth spend on Defendants' platforms.

25 370. Plaintiff White Mountain Apache Tribe and its programs, services, and members
26 did not know and could not have known the nature and extent of the injuries that could result from
27 the intended use of Defendants' social media platforms.
28

1 371. Defendants' negligence helped to and did produce, and was the proximate cause of,
2 the injuries, harm, and losses that Plaintiff White Mountain Apache Tribe and its programs,
3 services, and members suffered and will continue to suffer, as detailed above. Such injuries, harm,
4 and losses would not have happened without Defendants' negligence as described herein.

5 372. The social media addiction epidemic and youth mental health crisis caused and/or
6 significantly contributed to by the Defendants has caused a major disruptive behavioral situation
7 in Plaintiff White Mountain Apache Tribe's communities and Plaintiff has had to take steps to
8 mitigate the harm and disruption caused by Defendants' conduct.

9 373. Defendants' conduct was also grossly negligent because Defendants acted
10 recklessly, willfully, and wantonly. Each Defendant knew of the substantial risk of harm that their
11 platforms posed to users' mental health, particularly young users, yet engaged in that conduct
12 anyway.

13 374. Defendants have acted with oppression, fraud, and malice, actual and presumed.

14 375. Defendants' conduct, as described above, was intended to serve their own interests
15 despite having reason to know and consciously disregarding a substantial risk that their conduct
16 might significantly injure the rights of others, including the Plaintiff White Mountain Apache Tribe
17 and its programs, services, and members, and/or Defendants consciously pursued a course of
18 conduct knowing that it created a substantial risk of significant harm to others, including Plaintiff
19 White Mountain Apache Tribe and its programs, services, and members. Defendants regularly risk
20 the health of youth users of their platforms with full knowledge of the significant dangers of their
21 platforms.

22 376. Defendants consciously decided not to redesign, warn, or inform the unsuspecting
23 public, including Plaintiff White Mountain Apache Tribe or its members.

24 377. As a result of Defendants' negligence and gross negligence, Plaintiff White
25 Mountain Apache Tribe and its programs, services, and members suffered harm to their real and
26 personal property along with other economic losses, including the costs associated with past,
27 present, and future mitigation efforts to address, pay for and/or eliminate the social media addiction
28

1 epidemic and youth mental health crisis plaguing their communities, in an amount to be proven at
2 trial.

3 **FIFTH CLAIM FOR RELIEF**
4 **Product Liability—Failure to Warn**
5 **(Brought by Plaintiff Against All Defendants)**

6 378. Plaintiff White Mountain Apache Tribe repeats and realleges ¶¶1-309, as if fully
7 alleged herein.

8 379. Defendants engaged in the designing, developing, marketing, promoting,
9 advertising, operating, of addictive and harmful social media products nationally and within
10 Plaintiff White Mountain Apache Tribe's communities.

11 380. Defendants' conduct created the social media addiction epidemic and youth mental
12 health crisis plaguing Plaintiff White Mountain Apache Tribe and its members.

13 381. Defendants knew or should have known that the social media products they
14 designed and marketed would be used by vulnerable young users without supervision and that
15 guardians, families, and the general public would rely on their marketing and product descriptions
16 to understand the proper uses, risks, and benefits of their social media products.

17 382. Defendants had a duty to provide adequate warnings that clearly indicated the scope
18 of the risk associated with the use of the social media products they designed and made available
19 to young users.

20 383. As alleged herein and throughout this Complaint, rather than provide such adequate
21 warnings, Defendants instead undertook a concerted and intentional effort to downplay the
22 substantial risk of addiction, death, and/or other known negative outcomes associated with the use
23 of their intentionally addictive products by their target market, young and vulnerable users.

24 384. Defendants' marketing efforts and false and misleading statements successfully
25 convinced minors, guardians, families, and the general public that these risks were substantially
26 lower than they actually were, and the social media products therefore failed to perform at the
27 safety level expected by the consumers.

28 385. As a direct, legal, and proximate result of Defendants' failure to warn, and
intentional misrepresentations of, the grave and substantial risks associated with the use of their

1 social media products, Plaintiff White Mountain Apache Tribe has suffered and continues to suffer
 2 damages, both economic and to the health and welfare of the White Mountain Apache Tribe and
 3 its members.

4 **SIXTH CLAIM FOR RELIEF**
 5 **Unjust Enrichment**
 6 **(Brought by Plaintiff Against All Defendants)**

7 386. Plaintiff White Mountain Apache Tribe repeats and realleges ¶¶1-309, as if fully
 8 alleged herein.

9 387. As an expected and intended result of their conscious wrongdoing as set forth in
 10 this Complaint, Defendants have profited and benefited from the vast number young users
 11 engaging with and compulsively using their intentionally addictive social media products within
 12 Plaintiff White Mountain Apache Tribe's communities.

13 388. The data that young people of the White Mountain Apache Tribe provide to
 14 Defendants has value, which Defendants have exploited for profit.

15 389. Plaintiff White Mountain Apache Tribe has expended substantial amounts of money
 16 and resources to remedy and mitigate the societal harm plaguing its communities caused by
 17 Defendants' conduct.

18 390. The White Mountain Apache Tribe needs more resources to hire counselors and
 19 medical professionals, create mental health programs, train leaders to recognize distress, educate
 20 about the harm caused by Defendants' actions, and teach youth about the risks of Defendants'
 21 Social Media Platforms.

22 391. The White Mountain Apache Tribe incurs significant expenses to provide
 23 necessary, enhanced and expanded resources, including the Celebrating Life Prevention Team and
 24 specialized healthcare services, to support youth members struggling with social media addiction
 25 and the resulting mental health crisis caused by Defendants' products. These expenditures have, in
 26 turn, contributed to the enrichment of the Defendants. The expenditures by Plaintiff White
 27 Mountain Apache Tribe have helped sustain Defendants' businesses.

28 392. Plaintiff White Mountain Apache Tribe has conferred a benefit upon Defendants,
 by paying for what should be the Defendants' externalities—the costs of the harm caused by

1 Defendants' negligent or otherwise unlawful distribution and operation of their social media
2 products.

3 393. Defendants are aware of this obvious benefit, and that retention of this benefit is
4 unjust.

5 394. Plaintiff White Mountain Apache Tribe has paid for the cost of Defendants'
6 externalities and Defendants have benefitted from those payments because they allowed them to
7 continue to market, develop, and optimize their social media platforms and continue to target and
8 exploit vulnerable young users with their addictive and harmful products. Because of their
9 deceptive marketing and design of their social media products, Defendants obtained enrichment
10 they would not otherwise have obtained. The enrichment was without justification and Plaintiff
11 White Mountain Apache Tribe lacks a remedy provided by law.

12 395. Defendants made substantial profits while fueling the social media addiction
13 epidemic and youth mental health crisis plaguing Plaintiff White Mountain Apache Tribe.

14 396. Defendants continue to receive considerable profits from the engagement of
15 vulnerable and addicted users within Plaintiff White Mountain Apache Tribe's youth population.

16 397. Defendants have been unjustly enriched by their negligent, intentional, malicious,
17 oppressive, illegal and unethical acts, omissions, and wrongdoing.

18 398. It would be inequitable to allow Defendants to retain such benefits or financial
19 advantage.

20 399. Defendants' misconduct alleged in herein is ongoing and persistent.

21 400. Plaintiff White Mountain Apache Tribe demands judgment against each Defendant
22 for restitution, disgorgement, and any other relief allowed in law or equity.

23 **IX. REQUEST FOR RELIEF**

24 Plaintiff demands judgment against each of the Defendants to the full extent of the law,
25 including but not limited to:

26 A. Entering an Order that the conduct alleged herein constitutes a public nuisance;

27 B. Entering an Order that Defendants are jointly and severally liable;

28

- 1 C. Entering an Order requiring Defendants to abate the public nuisance described herein
2 and to deter and/or prevent the resumption of such nuisance;
- 3 D. Enjoining Defendants from engaging in further actions causing or contributing to the
4 public nuisance as described herein;
- 5 E. Awarding Plaintiff restitution of the costs incurred as a result of Defendants' unjust
6 enrichment and disgorgement of all amounts Defendants obtained from their unjust
7 enrichment;
- 8 F. Awarding equitable relief to fund prevention education and treatment for excessive and
9 problematic use of social media;
- 10 G. Entering judgment against Defendants in an amount equal to three times the amount of
11 damages to Plaintiff's property by reason of Defendants' violation of 18 U.S.C.
12 §1962(c);
- 13 H. Awarding actual, compensatory, and punitive damages;
- 14 I. Awarding reasonable attorneys' fees and costs of suit;
- 15 J. Awarding pre-judgment and post-judgment interest; and
- 16 K. Such other and further relief as the Court deems just and proper under the
17 circumstances.

18 **X. TRIAL BY JURY**

19 Plaintiff White Mountain Apache Tribe hereby demands a trial by jury for all claims so
20 triable.

21 DATED: January 7, 2025

s/ Brian O. O'Mara

BRIAN O. O'MARA

23 Brian O. O'Mara (Bar No. 229737)
24 Steven M. Jodlowski (Bar No. 239074)
DiCELLO LEVITT LLP
25 4747 Executive Dr., Suite 240
26 San Diego, CA 92121
27 Tel.: (619) 923-3939
28 brian@dicellolevitt.com
stevej@dicellolevitt.com

1 Adam J. Levitt
2 Amy Keller
3 Jessica M. Holmes
4 **DiCELLO LEVITT LLP**
5 Ten North Dearborn St., Sixth Floor
6 Chicago, IL 60602
7 Tel.: (312) 214-7900
8 alevitt@dicellolevitt.com
9 akeller@dicellolevitt.com
10 jholmes@dicellolevitt.com

11 Diandra Debrosse
12 **DiCELLO LEVITT LLP**
13 505 20th Str. North, 15th Floor
14 Financial Center
15 Birmingham, AL 35203
16 Tel.: (205) 855-5700
17 fu@dicellolevitt.com

18 Richard Fields
19 Martin Cunniff
20 Anna Kovalevska
21 **FIELDS HAN CUNNIFF PLLC**
22 1702 Pennsylvania Ave. NW, Suite 200
23 Washington, DC 20006
24 Tel.: (833) 382-9816
25 fields@fhcfirm.com
26 martincunniff@fhcfirm.com
27 kovalevska@fhcfirm.com

28 *Counsel for Plaintiff*
The White Mountain Apache Tribe